

BOSTON REDEVELOPMENT AUTHORITY

April 7, 1988

Doc. No. 5027A
ADOPTED 4/7/88

DEVELOPMENT IMPACT PROJECT PLAN
For

435 Summer Street
(Bounded by Summer Street, D Street,
Fargo Street, and 415 Summer Street)
Boston, Massachusetts

Developer and Owner: Pappas Industrial Parks, Inc., 450 Summer Street, Boston, Massachusetts (the "Applicant"). Applicant's business address is 450 Summer Street, Boston, MA 02201; Applicant's telephone number is (617) 542-4778; and Applicant's designated contact is Michael S. Sophocles, Esq., who is Vice President and General Counsel of Applicant.

Architect: John Cunningham Architects, Inc., and/or such other architects as may be designated by the Applicant. The Architect's address and telephone number are listed on Exhibit A hereto.

Development Consultants: A list of the names, addresses, and telephone numbers of the Applicant's attorneys, architects, environmental consultants, transportation consultants, mechanical, electrical, and plumbing engineers, geotechnical consultants, and structural engineers is attached to this Plan as Exhibit A.

Site Description: The site of the Project is composed of certain parcels of land bounded generally by Summer Street (to the east), D Street (to the south), Fargo Street (to the west), and 415 Summer Street (to the north), located in South Boston, and containing approximately 60,905 square feet, which site (the "Site") is more particularly described in Exhibit B attached hereto.

General Description of Project: An approximately 179,000 square foot mixed-use building owned by the Applicant, known as 425 Summer Street, is presently situated on a portion of the Site (the "425 Summer Street Building"). The Applicant proposes to construct an eight-story building (the "Building") containing approximately 180,146 square feet of gross floor area (as that term is used in the Boston Zoning Code) on the southern portion of the Site not presently occupied by the 425 Summer Street Building. The Building includes a basement garage facility, which will provide parking spaces for 436 vehicles. The Building will be physically connected to and architecturally consistent with the 425 Summer Street Building. (The Building and said connection is hereinafter sometimes referred to as the "Project.")

Proposed Uses: The Project is a mixed-use development which will include, without limitation, office space, retail stores, and accessory uses. The Project will contain approximately 180,146 square feet of gross floor area, of which approximately 173,110 will be devoted to office use, with the remaining gross floor area of the Project being utilized for retail and/or retail, restaurant, and/or accessory uses. Retail services will primarily be located on the Plaza level, to be located on the corner of Summer and "D" Streets and along "D" Street.

Employment Plans: It is anticipated that the Project will generate an average of approximately 205 construction jobs and that the Project will produce approximately 726 permanent employees. The Applicant will execute a Boston Residents Construction Employment Plan, which satisfies the requirements of the Mayor's Executive Order Extending the Boston Residents Jobs Policy dated July 12, 1985 and the requirements of the Ordinance Establishing the Boston Employment Commission set forth in Chapter 12 of the Ordinance of 1986, as amended by Chapter 17 of the Ordinance of 1986. The Applicant will also execute an Employment Opportunity Plan and a First Source Agreement providing for the Applicant's good faith efforts to achieve a goal that 50% of permanent entry-level employment opportunities created by the Project shall be made available to Boston residents, as more fully described in, and subject to, the DIP Agreement referred to hereinafter.

Development Impact Project Contribution: The Project is a "Development Impact Project" under the Boston Zoning Code and, as required under Section 26A-3 thereof, the Applicant will enter into a Development Impact Project Agreement with the Authority for the Project (the "DIP Agreement"). Under the DIP Agreement, the Applicant shall be responsible for making a Development Impact Project Contribution (the "DIP Contribution") with regard to the Project. The DIP Contribution shall be made, at the Applicant's option, by (1) the grant and payment by the Applicant of a sum of money, payable at the times and in the manner and under the conditions specified in the DIP Agreement (referred to in Section 26A-3 of the Zoning Code as the "Housing Contribution Grant" but payable at the rate set forth in Section 26(2)(3)(a) of the Zoning Code, (ii) the creation by the Applicant of low and moderate income housing units at a cost at least equal to the amount of the Housing Contribution Grant and under the conditions specified in the DIP Agreement (referred to in said Section 26A-3 as the "Housing Creation Option"), or (iii) a combination of items (i) and (ii) above. Should the Applicant's obligation with regard to the DIP Contribution be satisfied solely in the form of a Housing Contribution Grant, total payments from the Applicant would equal approximately \$400,730.00, calculated as follows:

Total Square Footage of Gross Floor Area of Uses Enumerated in Table D of Article 26A of the Code:	180,146
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Less Exemption:	100,000
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Net Square Footage of Gross Floor Area, for Purposes of Payment	80,146
Total Housing Contribution Grant:	x \$5.00 \$400,730.00

Jobs Contribution Grant: As required under Section 26B-3 of the Zoning Code, and as required under the terms of the DIP Agreement, the Applicant shall also be responsible for making a Jobs Contribution Grant with regard to the Project, in the manner and under the conditions specified in the DIP Agreement. The Jobs Contribution Grant will equal approximately \$80,146.00 calculated as follows:

Total Square Footage of Gross Floor Area of Uses Enumerated in Table E of Article 26B of the Code:	180,146
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Less Exemption:	100,000
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Net Square Footage of Gross Floor Area, -for Purposes of Payment	80,146
Total Jobs Contribution Grant:	x \$1.00 \$80,146.00

Estimated Construction Time: The Project will be developed in a single, continuous phase with a duration of up to 24 months from the start of construction.

Proposed Location and Appearance of Structures: The location and appearance of the Project shall generally conform with the schematic design drawings listed in Exhibit C hereto. These Drawings (said Drawings, as the same may from time to time be amended with the concurrence of the Authority, are hereinafter sometimes referred to as the "Plans"), have been approved by the Authority. The design and dimensional requirements of the proposed Project as approved in the Drawings may be subject to minor modifications as the result of continuing development review. Final Working Drawings and Specifications approved by the Authority shall be conclusively deemed to be in conformity with this Plan.

The building facade is brick masonry with a precast concrete base and trim, which compliments the design of 425 Summer Street. A glass and metal facade connects the Building with the 425 Summer Street Building. Garage construction is of reinforced concrete and the office building construction will be structural steel.

Building Dimensions: The dimensions of the Building will generally conform with the Plans. The height of the building averages 111 feet at Summer Street.

Legal Information: There are no legal judgments or actions pending which involve the Project. There are not now, nor have there been in the past, tax arrearages on any Boston property while under the ownership of the Applicant.

The Site is owned in fee by the Applicant and requires no additional parcel acquisition to effect the Development.

The Applicant previously made Application for a building permit for the Project, which Application was denied. Applicant intends to amend or refile its Application in accordance with applicable Articles of the Code, in order to obtain a building permit to construct the Project in accordance with this Plan.

Proposed Traffic Circulation; Access to Public Transportation: A Transportation Study dated November, 1987 was prepared by the Applicant's Traffic Consultant, Vanasse Hangen Brustlin, Inc. A copy of said Study, which included an analysis of parking, access, vehicle traffic, public transportation and pedestrian consultation, has previously been submitted to the BRA. The November, 1987 Study has been augmented by Memorandum dated March 17, 1988, a copy of which is annexed hereto as Exhibit D.

The Project Site is served by three MBTA bus routes, all of which stop within one block of the Site. Two of these provide direct service to the residential areas of the South Boston, while the third provides service to Downtown Boston and the North End. These bus routes also link the Site with the regional rapid transit, commuter rail, and express bus systems. One of these bus routes connects with the Red Line at Broadway Station and the Orange Line at New England Medical Center Station. Two of these routes connect with the Red Line, express buses, and commuter rail trains at South Station. One of these routes also connects with the Blue Line and commuter ferries at Aquarium and with the Orange and Green Lines and express buses at Haymarket Station. Additionally, one of the routes connects with MBTA express buses in the Financial District.

The Applicant will enter into a Transportation Access Plan Agreement with the Authority and the Boston Transportation Department respecting the Project.

Parking and Loading Facilities: As shown on the drawings for the Project listed in Exhibit C attached hereto, parking for approximately 436 vehicles will be provided in a garage facility to be constructed in the basement of the Building. Pedestrian access to the garage will be via the elevators serving the Building. Vehicular ingress to and egress from the garage will be on Fargo Street.

Service facilities for the office floors of the Buildings are provided by loading docks located at the 425 Summer Street Building immediately adjacent to the elevator core. Service

facilities for the non-office areas are through the parking facility, directly to the loading dock area in the adjacent building.

Open Spaces and Landscapes: A landscaped plaza is located between the Building and the 425 Summer Street Building, featuring a Jim Dine sculpture and seating areas. The open space and the landscaping for the Site are reflected on the Drawings listed on Exhibit C attached hereto.

Environmental Impact Assessment: The Applicant's Environmental Consultant, Boston Survey Consultants, Inc., has prepared an Environmental Impact Assessment dated March 27, 1988, a copy of which is annexed hereto as Exhibit E.

Zoning: The Site is located in an M-4 zoning district. The Site is located in a Restricted Parking District, but is not located in any other Interim Planning Overlay District or other Special Purpose Overlay District (as such terms are defined in the Boston Zoning Code). A parking facility will be constructed as a component of the Building and its use will be accessory to both the Building and the 425 Summer Street Building. Construction of the Project will involve certain conditional use permits, variances, and/or confirmation/interpretations of non-applicability of certain provisions of the Zoning Code. A summary of applicable dimensional requirements and other zoning matters is attached hereto as Exhibit F.

Community Groups: The Applicant has met with various representatives of the community respecting the Project, including (without limitation) the following:

Certain South Boston community leaders, on April 7, 1987.
Fort Point Channel CAC, on February 16, 1987.

Public Benefits: The mixed-use Project, which includes first class office and retail space, will be integrated with the fully renovated adjacent turn of the century 425 Summer Street Building, thereby achieving an important step in the renewal of the Summer Street business district. The upgrading of sidewalks, and tree plantings and the creation of exterior plaza and interior lobby space with publicly accessible art will represent amenities not just for the occupants of the Project and the residents of South Boston but for the City as a whole. The Project will add significantly to the City's Tax base (property taxes are expected to rise from \$9,200 to approximately \$450,000 annually) and the total of the so-called linkage and jobs contribution payments to the City will equal approximately \$500,000. In addition to providing construction-related jobs, permanent jobs which may have otherwise left the area due to anticipated takings relating to the construction of the Third Harbor Tunnel will remain in Boston. The Project will be an aesthetic coalition of the old and new and will significantly add to the quality of life and the economic vitality of the Summer Street business district. The Applicant

will submit a Boston Resident Construction Employment Plan in accordance with the Mayor's Executive Order of July 12, 1985 and will enter into related opportunity plans for entry-level permanent employment positions. The Applicant is also making a voluntary contribution of \$150,000.00 for application toward a South Boston neighborhood housing program.

John Cunningham, AIA
John Cunningham Architects, Inc.
430 Summer Street
Boston, Massachusetts 02210
(617) 343-8943

Applicant's Environmental Consultants

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The SSC Group
415 Summer Street
Boston, Massachusetts 02210
(617) 330-6100

Applicant's Transportation Consultants

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(617) 383-7000

Applicant's Mechanical, Electrical, Plumbing Engineers

Mr. Gordon Willett
Laboratory Consultants
1011 Massachusetts Avenue
Cambridge, Massachusetts 02138
(617) 850-1290

Applicant's Geotechnical Consultants

Mr. James Griffin
Colberg & Teno
120 Needham Street
Boston Upper Falls, Massachusetts 02161
(617) 362-3050

Applicant's Structural Engineers

Mr. William Reja
Laboratory Consultants
1011 Massachusetts Avenue
Cambridge, Massachusetts 02138
(617) 850-1290

EXHIBIT A

Applicant's Attorney

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Fine & Ambrogne
Exchange Place
Boston, Massachusetts 02109
(617) 367-0100

Applicant's Architect (the "Project Architect")

John Cunningham, AIA
John Cunningham Architects, Inc.
450 Summer Street
Boston, Massachusetts 02210
(617) 338-6945

Applicant's Environmental Consultant

Mr. Steve Springer
The BSC Group
425 Summer Street
Boston, Massachusetts 02110
(617) 330-5300

Applicant's Transportation Consultant

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Vanasse Hangen Brustlin, Inc.
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Boston, Massachusetts 02135
(617) 783-7000

Applicant's Mechanical, Electrical, Plumbing Engineers

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(617) 868-1200

Applicant's Geotechnical Consultant

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Goldberg & Zonio
320 Needham Street
Newton Upper Falls, Massachusetts 02164
(617) 969-0050

Applicant's Structural Engineers

Mr. William Hajan
LeMessurier Consultants
1033 Massachusetts Avenue
Cambridge, Massachusetts 02138
(617) 868-1200

EXHIBIT B

PARCEL I (419-423 Summer Street, Boston)

The land with the buildings thereon, now known as and numbered 419-421 and 423 on Summer Street, comprising Lot 3 on a "Plan of Land in Ward 9, Boston", dated November 21, 1919 by Geo. F. Shepard, Architect, and recorded with Suffolk Registry of Deeds, Book 4193, Page 536, and bounded and described as follows:

NORTHEASTERLY by Summer Street, One Hundred Twenty-five and 38/100 (125.38) feet;
SOUTHEASTERLY by Lot 4 as shown on said plan, Eighty-three and 69/100 (83.69) feet;
NORTHEASTERLY again by said Lot 4, Eight and 42/100 (8.42) feet;
SOUTHEASTERLY again by said Lot 4, One Hundred Seventy and 58/100 (170.58) feet;
SOUTHWESTERLY by Fargo Street, One Hundred Thirty-three and 24/100 (133.24) feet; and
NORTHWESTERLY by Lot 2 as shown on said plan, Two Hundred Forty-two and 49/100 (242.49) feet.

Containing 32,439 square feet.

Subject to and together with the benefit of foundation pier agreements set forth in the deed from Harry L. Rice et al, Trustees to Henry C. Brookings dated September 12, 1941 and recorded with Suffolk Deeds Book 5946, Page 81.

Subject to and with the benefit of the rights to use the "Shipping Court" shown on said plan as described in the deed of Lot 2 as shown on said plan from National Wool Marketing Cooperation to Court Square Press, Inc. dated April 24, 1951 and recorded with Suffolk Deeds Book 6688, Page 165.

For title, reference may be had to the deed of Albert T. Aladjem and John Dane, Trustees of The 419 Trust, under a Declaration of Trust dated March 7, 1980, which deed is dated July 18, 1980 and is recorded at Suffolk Deeds, Book 9483, Page 140.

PARCEL II (450 D Street, Boston)

The land now known as and numbered 450 on D Street comprising a portion of Lot 4 on a "Plan of Land in Ward 9, Boston", dated November 21, 1919 by Geo. F. Shepard, Architect, and recorded with said Deeds, Book 4193, Page 536, bounded and described as follows:

SOUTHEASTERLY by D Street, One Hundred Seventy and 58/100
(170.58) feet;

SOUTHWESTERLY by Fargo Street, One Hundred Sixty and 76/100
(106.76) feet;

NORTHWESTERLY by other land of the mortgagors shown as Lot 3 on
said plan hereinabove described, One Hundred
Seventy and 58/100 (170.58) feet; and

NORTHEASTERLY by land now or formerly of Welby's Truck
Terminals, Inc. comprising the remaining portion of
Lot 4, One Hundred Six and 76/100 (106.76) feet.

Containing 18,211 square feet and being shown as Lot B on a
"Plan of Land in South Boston, Subdivision of Lot 4 on a plan by
George F. Shepard, Architect, dated Nov. 21, 1919", dated October
21, 1949 by Brosnahan and Bowes, Registered Engineers, recorded
with said Deeds, Book 6566, Page 94.

Subject to and together with the benefit of foundation pier
agreements set forth in the deed from Harry L. Rice et al,
Trustees to Ray C. Johnson dated September 12, 1941 and recorded
with Suffolk Deeds Book 5946, Page 90.

For title, reference may be had to the deed of Albert T.
Aladjen and John Dane, Trustees of The 419 Trust, under a
Declaration of Trust dated March 7, 1980, which deed is dated July
18, 1980 and is recorded at Suffolk Deeds, Book 9483, Page 140.

PARCEL III (452-462 D Street, Boston)

A certain parcel of land with the buildings thereon situated
at the corner of Summer Street and the Northwesterly side of D
Street in that part of Boston known as South Boston, being a part
of Lot 4 on "Plan of Land in Ward , Boston", dated November 21,
1919 by George F. Shepard, Arch., recorded with Suffolk Deeds Book
4193, Page 536, bounded and described as follows:

NORTHEASTERLY on Summer Street, one hundred fifteen and 68/100
(115.68) feet;

SOUTHEASTERLY on D Street ninety-four and 55/100 (94.55) feet;

SOUTHWESTERLY on land now or formerly of Denwel Realty Company
and on Lot 3 on said Plan, one hundred fifteen and
18/100 (115.18) feet;

NORTHWESTERLY on Lot 3 on said Plan, eighty-three and 69/100
(83.69) feet.

Containing ten thousand two hundred sixty-five (10,256)
square feet, or however otherwise said premises may be bounded or
described and be all or any of the said measurements or contents

more or less. Said premises are also described as being shown as Lot A on a plan of land in Boston - South Boston by Brosnahan & Bowes, Registered Engineers, dated October 21, 1949 and recorded with Suffolk Deeds Book 6566, Page 94.

For title, reference may be had to the deed of Welby's Truck Terminals, Inc. dated January 22, 1981, recorded Suffolk Deeds, Book 9657, Page 328.

	Plan at Grade	1" = 8'
3	Typical Office Floor Plan	1" = 8'
4	Typical Parking Level	1" = 8'
5	Summer Street Elevation	1" = 8'
6	Summer Street Elevation	1" = 8'
7	"D" Street Elevation	1" = 8'
8	Large Street Elevation	1" = 8'
9	Plaza Elevation	1" = 8'
10	Building Section	1" = 8'
11	Wall Sections	3/4" = 1'
12	Perspective Looking North on Summer Street	No Scale
13	Perspective Looking South on Summer Street	No Scale

EXHIBIT C

<u>DRAWING</u>	<u>TITLE</u>	<u>SCALE</u>
1	Neighborhood Plan	1" = 50'
2	Plan at Grade	1" = 8'
3	Typical Office Floor Plan	1" = 8'
4	Typical Parking Level	1" = 8'
5	Summer Street Elevation	1" = 16'
6	Summer Street Elevation	1" = 8'
7	"D" Street Elevation	1" = 8'
8	Fargo Street Elevation	1" = 8'
9	Plaza Elevation	1" = 8'
10	Building Section	1" = 8'
11	Wall Sections	3/4" = 1'
12	Perspective Looking North on Summer Street	No Scale
13	Perspective Looking South on Summer Street	No Scale

Memorandum

To: Mr. James Pappas
Pappas Management Corp.
450 Summer Street
Boston, MA 02210

Date: March 17, 1988
Ref: 1874
435 Summer Street

From: Vanasse Hangen Brustlin, Inc.
60 Birmingham Parkway
Boston, MA 02135

Re: Access Plan Addendum

The draft Transportation Access Plan (TAP) recently submitted to the City of Boston for the 435 Summer Street project presented a conservative analysis in that it excluded consideration of Pappas' Commercial Union site (30 Trilling Way) which is to be taken for the Seaport Access Road, and used only occupied space for the Pappas Building (440/450 Summer Street) as opposed to its potential at full occupancy. This resulted in a somewhat higher impact level for the new project even though these impacts were found to be small. A fairer assessment can be made by identifying the activity levels generated by the new Pappas buildings when they are completed (425 Summer Street plus 435 Summer Street) and comparing them to the activity levels associated with existing Pappas buildings at their fully-occupied potential (440/450 Summer Street, 425 Summer Street, and the Commercial Union site).

Such a comparison was made and the results are shown in Table 1. The table lists square footage, person trips, vehicle trips, parking spaces, and truck docks for each of the three existing Pappas sites (under full occupancy) and for each of the two future sites (also under full occupancy). Totals are shown for existing and future conditions, and the last column compares the future total with the existing total for each item.

In all cases except one (daily person trips), future totals are less than existing, indicating that there will actually be less traffic on local South Boston Streets on a daily basis and also during the peak commuting hours. Even though daily person trips for the new buildings will be somewhat higher, fewer actual parking spaces at 425/435 Summer than the parking demand at 440/450 Summer and the Commercial Union site (under full occupancy) plus the spaces available for the existing 435 Summer Street building, will encourage higher ridesharing and transit trips resulting in fewer vehicle trips. There will also be fewer truck trips as well due to the loss of warehouse/manufacturing space at the Pappas Building and Commercial Union Building, as shown by the large decrease in the number of truck docks from existing to future conditions.

In conclusion, it can be stated that the new buildings at 425 and 435 Summer Street will not cause any adverse traffic impacts in South Boston or elsewhere, and in fact will contribute fewer cars and trucks to the roadway system than would have occurred if the full potential of the Pappas buildings already in place was reached.

TABLE 1
COMPARISON OF EXISTING AND FUTURE PAPPAS BUILDINGS

Item	EXISTING			FUTURE			Future vs Existing
	440/450 Summer	Commercial Union	425 Summer	Total	435 Summer	425 Summer	Total
Square Footage	299,000	120,000	182,600	601,600	180,100	182,600	362,700
Person Trips							
- Daily	1,563	536	2,642	4,741	2,606	2,642	5,248
- Peak Hour	402	137	481	1,020	474	481	955
Vehicle Trips							
- Daily	1,156	464	1,450	3,070	1,430	1,450	2,880
- Peak Hour	298	119	265	682	262	265	527
Parking Spaces	358	114	92	564	←-----436-----→	→-----436-----←	436
Truck Docks	25	15	2	42	←-----2-----→	→-----2-----←	2
							-238,900
							+507
							-65
							-190
							-155
							-128
							-40

EXHIBIT E

425 Summer Street
Boston MA
02210

The BSC Group

617 330 5300

Transportation Impacts/Access Plan

Report previously submitted to the Boston
Redevelopment Authority entitled:

435 Summer Street Redevelopment
South Boston, Massachusetts
Vanasse Hangen Brustlin, Inc.

Wind Study

Assessment not required.

**ENVIRONMENTAL IMPACT
ASSESSMENT**

Shadow Study

See Appendix A.

**435 SUMMER STREET
BOSTON, MASSACHUSETTS
PAPPAS MANAGEMENT CORPORATION**

Sightline

Assessment not required.

Prepared For:

**THE BOSTON REDEVELOPMENT
AUTHORITY**

March 23, 1988

Excavation and Landfill

1. Written description including extent and method of excavation, grading and filling proposed, and the existence of existing and pile driving.
2. Analysis of sub-surface conditions, potential for groundwater movement and contamination during excavation, and impact on adjacent building and utility lines.

BRA ENVIRONMENTAL IMPACT ASSESSMENT

A. Transportation Impacts/Access Plan

Report previously submitted to the Boston
Redevelopment Authority entitled:

435 Summer Street Development
South Boston, Massachusetts
Vanasse Hangin Brustlin, Inc.

B. Wind Study

- Assessment not required.

C. Shadow Study

See Appendix 1.

D. Daylight

Assessment not required.

E. Excavation and Landfill

1. Written description including amount and method of excavation, dredging and filling proposed, and the existence of blasting and pile driving.
2. Analysis of sub-soil conditions, potential for ground movement and settlement during excavation, and impact on adjacent building and utility lines.

Comments:

1.(a) Slurry Wall

About 4,000 cubic yards of material will be excavated in the first two months. The material will be excavated by clam shell from existing ground level using two(2) cranes and will be deposited on the ground and handled and loaded onto trucks by a loader and then carried off-site to disposal.

1.(b) Bulk Excavation

About 60,000 cubic yards of bulk excavation will take place in the five months following slurry wall installation. The material will be excavated by backhoe, loaders and dozers, and will be loaded into trucks and carried to off-site disposal.

2. Sub-Soil Conditions

Negligible movement, if any, is anticipated during the excavation of the slurry wall. During the excavation for the basement, the slurry wall will be internally braced and will act both as an earth retaining structure and underpinning system for utility lines and adjacent buildings. As excavation proceeds, the installed braces will be subjected to increasing compression forces until the next lower level is installed. This will cause elastic shortening of the braces and therefore horizontal movement of the slurry wall. The number, size and levels of braces are thus designed to keep the horizontal movement of the wall within pre-established limits that will guarantee no adverse impact on neighboring structures. Movements will also be monitored during construction using geotechnical instrumentation so that if such limits are reached, remedial measures may be implemented.

Slurry wall technology has been used extensively in the Boston Area for below grade structures similar to that proposed at 425 Summer Street, 500 Boylston Street, 75 State Street, and Rowes Wharf.

F. Groundwater

1. List of measures used to ensure the groundwater levels will not be lowered during or after construction, if applicable.
2. Engineering analysis of the impact of development on groundwater, surrounding structures, wooden piles and foundations.

Comments:

The installation of a slurry wall that reaches into the lower impervious clay layer (as is the case for the 425 Summer Street project) ensures that, during the excavation, the surrounding water table will not be affected since the slurry wall will act as an effective groundwater cut-off. This will also be the case after construction.

In the final condition water pressure under the base slab will be eliminated by means of an underdrainage system. Groundwater will enter the underdrainage system at a low seepage rate (estimated to be less than 15 gallons per minute) through the impervious clay layer, thus virtually losing all its head and therefore not causing any significant fluctuation of the surrounding groundwater table. As no fluctuation will occur within the groundwater table, there will be no impact on surrounding foundations and underground structures.

G. Solid and Hazardous Wastes/Materials

1. A list of any known or potential contaminants on site together with evidence of the recording with the Registry of Deeds of the disposal of hazardous wastes on the site, pursuant to the M.G.L., Chapter 21C, if applicable:
2. Possible hazardous wastes generated,

3. Existence of buried tanks on site,

Comment:

A portion of the proposed project was formerly a gas station. Fuel tanks and contaminated soil were removed from the site in 1985 in accordance with M.G.L. Chapter 21C. Any residual oil encountered during construction will be removed according to state and federal regulations.

4. Estimate of potential trash generation and plans for disposal.

Comment:

The solid wastes estimated to be generated by the proposed project total approximately 800 tons per/year. All solid wastes will be removed by a commercial hauler.

SOURCE: Division of Solid Wastes, (DEQE)

H. Noise

Not Required

I. Flood Hazard Zone/Wetlands

Not Required

J. Construction Impacts

1. Description of construction staging areas.

Comment:

Construction staging will be from the 12,000 S.F. fenced lot directly across Fargo Street owned by the Developer. Longer term material storage will be on nearby property owned by the Developer. Lane closures will be required in the "no parking" lanes on Summer and "D" Streets. (see attached construction schedule, Appendix 2.)

2.. Availability of construction worker parking

Comment:

Worker parking will be provided on adjacent Developer owned sites at a minimal fee.

3. Potential dust generation and mitigation measures to control dust emissions.

Comment:

The project can be expected to produce construction dust as a result of site preparation and construction. Mitigation measures will be used during all construction phases on the project in compliance with Massachusetts regulations 310 CMR 7:00.

4. Air pollution permits

Comment:

Not Required

5. Potential noise impact and measures to minimize noise levels.

Comment:

This type of construction, i.e. slurry wall is by its nature not noisy, as evidenced by similar downtown Boston projects.

6. Truck traffic and access routes.

Comment:

See attached construction schedule, Appendix 2, for volumes. Approved truck routes will be utilized.

7. Pedestrian Safety

Comment:

The construction area will be fenced. Sidewalks are available on the other side of Summer and "D" Streets.

K. Historical Landmarks

Comment:

Not required.

L. Air Quality

1. Impact on local air quality from additional traffic generated by the project, including identification of any location projected to exceed national or Massachusetts air quality standards.

Comment:

The project can be expected to generate minor increases from construction related equipment. Mitigation measures will be used during all construction phases on the project in compliance with Massachusetts regulation 310 CMR 7:00.

2. Estimation of emissions from any parking garage constructed as part of the project.

Comment:

The parking garage supply and exhaust ventilating systems will maintain the carbon monoxide emissions at a maximum of 100 PPM.

3. Description and location of building/garage air intake and exhaust systems and evaluation of impact on pedestrians.

Comment:

The parking garage outside air intake louver will be located along "D" Street approximately 11'-0" above the sidewalk. The two exhaust louvers will be located along Fargo Street approximately 14'-6" above the sidewalk. All other fresh air intakes and exhaust outlets for the new office/retail tower will be located on the roof.

4. For residential projects, evaluation of the ambient air quality to determine conformance with the National Ambient Air Quality Standards established by the U.S. Environmental Protection Agency.

Comment:

Not Applicable.

M. Utility Systems

1. Estimated water consumption and sewage generation from the project.

Comment:

The estimated water consumption and sewage generation for the new office/retail tower is 13,500 gallons per day.

2. Description of the capacity and adequacy of the water and sewer systems and an evaluation of the impacts of the project on these systems.

Comment:

Assuming free discharge to the existing 12" reinforced concrete pipe located at the connection point on Summer Street, the existing system has the carrying capacity of 3.4 c.f.s. The project at 435 Summer Street will generate .5 c.f.s. based on the figure of 13,500 g.p.d. Therefore, the project will not exceed the capacity or adequacy of the water and sewer systems.

SOURCE: Boston Water and Sewer Commission,
Engineering Department.

Division of Water Pollution Control, DEQE

3. Identification of measures to conserve resources, including any provisions for recycling.

Comment:

Flow restrictors and self closing faucets will be used at all lavatories in the new office/retail tower to conserve water.

Double glass will be used in all office/retail tower windows to conserve fuel oil and natural gas.

All areas of the office/retail tower will be served by variable air volume type air conditioning systems, office area systems will be provided with outside air economizer control and retail area systems will be provided with water side (from cooling towers) economizer control, all to conserve electrical energy.

N. Energy

Not Required.

O. Water Quality

Description of impacts of the project on the water quality of Boston Harbor or other water bodies that could be affected by the project, if applicable.

Description of mitigation measures to reduce or eliminate impacts on water quality.

Comment:

The project will discharge into the municipal system monitored by the Boston Water and Sewer Commission and treated at the Deer Island Treatment Plant by the Massachusetts Water Resource Authority.

The project will be designed and permitted in compliance with the regulations promulgated under 314 CMR 7:00 (Massachusetts Sewer System Extension and Connection Permit Program in collaboration with the City of Boston Water and Sewer Commission) and 360 CMR 10:00 Massachusetts Water Resource Authority (Sewer Use Rules and Regulations.)

	1988	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	1989	JAN.	FEB.	MARCH	APRIL	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.
LURRY WALL																					
ULK EXC. & BRACING																					
ONCRETE STRUCTURE																					
ONCRETE																					
TEEL REINFORCING																					
XCAV. MATERIAL																					
TEEL SUPERSTRUCTURE																					
ONCRETE TOPPING																					
HELL CONSTRUCTION																					
INTERIOR																					
ALL SIDEWALKS CLOSED																					
NE LANE SUMMER/D ST.																					
WORKERS																					

10 TR/DAY

3 TR/ONCE A WEEK

30 TR/DAY 7-11PM

10 TR/DAY 9-4PM

1 TR/HOUR A WEEK

9AM-4PM

8 TR/DAY 7-5PM

6 TR/DAY

7-3 PM

8 TR/DAY 7-3PM

8 TR/DAY 7-5PM

3 TR/DAY 7-3PM

8/DAY 7-5PM

20/DAY 7-5PM

20/DAY 7-3PM

EXHIBIT F

I. Use

A. The Site is located in a Restricted Parking District but is not located in any Interim Planning Overlay District or other Special Purpose Overlay District (as such terms are respectively defined in the Code). The Site is located in an M-4 District. Uses permitted in an M-4 District include:

(1) Office building, post office, bank (other than drive-in bank) or similar establishment (Article 8, Section 8-7, Use Item No. 41 of the Code); permitted as of right, subject to the matters addressed in Clause IV of this Exhibit;

(2) Office of accountant, architect, attorney, dentist, physician, or other professional person, not accessory to a main use (Article 8, Section 8-7, Use Item No. 39 of the Code); permitted as of right, subject to the matters addressed in Clause IV of this Exhibit;

(3) Department store, furniture store, general merchandise mart, or other store serving the general business needs of a major part of the city, including accessory storage (Article 8, Section 8-7, Use Item No. 35 of the Code); permitted as of right;

(4) Lunch room, restaurant, cafeteria or other place for the service or sale of food or drink for on-premises consumption, provided there is no dancing nor entertainment other than phonograph, radio and television, and that neither food nor drink is served to, or consumed by, persons while seated in motor vehicles (Article 8, Section 8-7, Use Item No. 37 of the Code); permitted as of right; and

(5) Subject to the limitations and restrictions of Article 10 of the Code, a garage or parking space for occupants, employees, customers, students and visitors, which garage or parking space is accessory to an office, retail, or restaurant use, is a conditional use in a restricted parking district (Article 8, Section 8-7, Use Item No. 72 ID of the Code).

The Plans contemplate that a parking facility will be constructed as a component of the 435 Summer Street Building, and such facility (the "Subject Parking Facility") will be accessory to the Buildings. The Applicant has applied or will apply, in accordance with applicable Articles set forth in the Code, for a conditional use permit for the Subject Parking Facility.

II. Dimensional Requirements

A. The current Code dimensional requirements applicable to the Site for the uses described at items A.(1) through (4) of the preceding Clause I of this Exhibit are as follows:

Minimum Lot Size:	None (Sections 13-1, 14-1 of the Code)
Minimum Lot Area: (for additional dwelling units):	N/A (Sections 13-1, 14-2 of the Code)
Floor Area Ratio:	4.0 (Sections 13-1, 15-1 of the Code)
Frontage required:	None (Sections 13-1, 14-4 of the Code)
Side Yard Requirement:	None (Sections 13-1, 19-5 of the Code)
Front Yard Requirement:	None (Sections 13-1, 18-1 of the Code)
Rear Yard Requirement:	None (Sections 13-1, 20-7 of the Code)
Minimum Lot Width:	None (Sections 13-1, 14-3 of the Code)
Maximum Building Height:	None (Sections 13-1, 16-1 of the Code)
Minimum Usable Open Space:	N/A (Sections 13-1, 17-1 of the Code)
Parapet Setback:	$\frac{H+L}{6}$ ¹ (Sections 13-1, 21-1 of the Code)

B. The Buildings relate to the aforementioned dimensional requirements as follows:

	<u>Existing</u> <u>425 Summer Street</u> <u>Building</u>	<u>Buildings</u> <u>(collectively)</u>
Minimum Lot Size:	60,905 sf.	60,905 sf.
Minimum Lot Area (for additional dwelling units):	N/A	N/A

¹ Where "A" is the height of building above the height below which no setback is required, and "L" is the length of wall parallel (or within 45° of parallel) to lot line, measured parallel to lot line at greatest length above the height below which no setback is required.

Floor Area Ratio:	2.88	5.79 (See discussion at clause (1) of this Item II.B.)
Frontage:	0	0
Side Yard Requirement:	0	0
Front Yard Requirement:	0	0
Rear Yard Requirement:	0	0
Minimum Lot Width:	240.5'	240.5'
Maximum Building Height:	93'	105'
Minimum Usable Open Space:	N/A	N/A
Parapet Setback:	(See discussion at clause (2) of this Item II.B.)	

(1) Floor Area Ratio. The Floor Area Ratio requirement in an M-4 zone is 4.0. The Site is treated as a single lot for purposes of the Code, and after completion of construction of the 435 Summer Street Building in accordance with the Plans, the Site will have a floor area ratio of 5.79. Application for a variance for said noncompliant floor area ratio has been or will be made by the Applicant, in accordance with applicable Articles of the Code.

(2) Parapet Setback. The Site is a single lot for purposes of the Code. The following current requirements of the Code apply to the Site:

Parapet Setback:	0 feet Street (front);
	7.3 feet SE (left);
	45.1 feet NW (right);
	0 feet Street (rear)

A portion of the 425 Summer Street Building, along the northwest line of the Site, does not comply with the parapet setback requirements prescribed by the Code.

Article 13-3 of the Code states that "a building or use existing on the effective date of [the] Code and not conforming to the applicable dimensional requirements specified in other provisions of this Article and Articles 14 to 23, inclusive, may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements." Such Building existed on or prior to the effective date of the Code, and Applicant's Surveyor found no building permits in the building "jacket" for

said Building which contemplated any alteration or enlargement which would not itself have been in conformity with applicable dimensional requirements or which would have increased the then-existing non-conformity with the Code of parapet setbacks along the northwest line of the Site.

The construction of the 435 Summer Street Building in accordance with the Plans will not increase the existing non-conformity with the Code of parapet setbacks along the northwest line of the Site; however, inasmuch as new construction is involved, the Applicant has made or will make said noncompliant parapet the subject of a variance request, in accordance with applicable Articles of the Code.

III. Loading

A. Article 24 of the Code sets forth various off-street loading requirements applicable to certain uses of property. The number (if any) of such loading facilities that might be required pursuant to Section 24-1 of the Code is dependent upon the use(s) to which a particular property is put. Based on the applicable usage and/or intended usage of the Buildings, the current provisions of the Code require that four off-street loading bays be provided on the Site following construction of the Project in accordance with the Plans. Following construction in accordance with the Plans, the Property will contain four loading bays, but two of the bays may deviate from applicable dimensional (height) requirements contained in the Code. Accordingly, the Applicant has applied (or will apply), in accordance with applicable Articles set forth in the Code, for a variance with respect to such loading bay height requirements.

IV. Interim Office Use Controls in M District

On November 21, 1987, a notice of public hearing was published in the Boston Herald by the Zoning Commission relating to (Code) Text Amendment Application No. 133, and a corrected notice of public hearing respecting Text Amendment Application No. 133a was published in the Boston Herald on March 26, 1988. If enacted and made effective in its present, publicly-available form, said Text Amendment would create an Article 34 of the Code. Said Article would, in pertinent part, make mandatory a conditional use permit for any therein-described and defined "Proposed Project" which: (i) involved office uses; (ii) was located in a Restricted Manufacturing (M) District (such as the district in which the Property is situated); and was not otherwise exempt.

Clause 3 of (proposed) Section 34-3 set forth in said Text Amendment exempts from the provisions of such (proposed) Article:

any Proposed Project or site for which application for approval of a development impact project plan . . . has been submitted to the Boston Redevelopment Authority prior to the

first notice of hearing before the Zoning Commission for adoption of this article, provided that such development impact project plan . . . has been or is thereafter approved by the Boston Redevelopment Authority pursuant to such application, whether or not such application or such development impact project plan . . . is thereafter modified or amended.

The Applicant submitted to the BRA an application for approval of its Plan prior to November 21, 1987, and believes that the Project falls within the purview of the aforementioned Clause 3 and is therefore exempt from said (proposed) Article. Nonetheless, the Applicant has made (or will make) application (in accordance with applicable Articles of the Code) for confirmation of the Property's exempt status or, in the alternative, a conditional use permit with respect thereto.

DEVELOPMENT IMPACT PROJECT AGREEMENT
INCLUDING PROVISIONS FOR THE JOBS CONTRIBUTION GRANT

FOR

435 SUMMER STREET

SOUTH BOSTON, MA

WHEREAS, THIS AGREEMENT is dated as of April ___, 1988, by and between the BOSTON REDEVELOPMENT AUTHORITY (hereinafter "Authority"), a body politic and corporate created pursuant to Chapter 652 of the Acts of 1960, as amended, and Pappas Industrial Parks, Inc., a Massachusetts corporation with a business address at 450 Summer Street, Boston, Massachusetts 02210 and its successors, assigns and legal representatives (hereinafter "Applicant"); the Authority and Applicant, collectively, shall be referred to herein as the "parties."

WITNESSETH:

WHEREAS, the site of the below-described Project (the "Project Site") is comprised of several parcels of land in South Boston bounded generally by Summer Street (to the east), D Street (to the south), Fargo Street (to the west), and 415 Summer Street (to the north), containing approximately 60,905 square feet, and more particularly described in Exhibit A attached hereto; and

WHEREAS, an approximately 179,000 square foot mixed-use building, known as 425 Summer Street, is presently situated on a portion of the Project Site (the "425 Summer Street Building"); and

WHEREAS, the Applicant proposes to construct an eight-story building (the "Building") containing a total of 180,146 square feet of gross floor area on the southern portion of the Site not presently occupied by the 425 Summer Street Building; and the Building includes a basement garage facility, and will be physically connected to and architecturally consistent with the 425 Summer Street Building (said Building and connection, hereinafter "Project"); and

WHEREAS, the Project constitutes a Development Impact Project as defined in Section 26A-2(1) of Article 26A of the Boston Zoning Code and Section 26B-2(1) of Article 26B of the Boston Zoning Code; and

WHEREAS, the Neighborhood Housing Trust (the "Housing Trust") as referred to in Article 26A of the Boston Zoning Code has been created by Declaration of Trust dated November 19, 1985 pursuant to an Ordinance Establishing The Neighborhood Housing Trust passed by the City council on May 21, 1986 and approved by the Mayor on July 6, 1986; and

WHEREAS, the Neighborhood Jobs Trust as referred to in Article 26B of the Boston Zoning Code has been created by Declaration of Trust pursuant to an Ordinance Establishing The Neighborhood Jobs Trust passed by the City Council on August 19, 1987 and approved by the Mayor on September 8, 1987; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

ARTICLE 1 DEVELOPMENT IMPACT PROJECT PLAN

1.1 Development Impact Project Plan. The parties hereby acknowledge that the Applicant submitted to the Authority a Development Impact Project Plan (hereinafter "Plan") attached hereto as Exhibit B and hereby incorporated by reference, as required by Section 26A-3 of Article 26A and Section 26B-3 of Article 26B of the Boston Zoning Code and after a public hearing held on April 7, 1988 notice of which was published in the Boston Herald on March 31, 1988, the Authority approved the Plan on _____. The Applicant hereby agrees to proceed with the Project in accordance with Plan.

ARTICLE 2 LINKAGE PAYMENT

2.1 Linkage Payment. The Applicant shall be responsible, in accordance with the terms of this Agreement, for a Development Impact Project Contribution (hereinafter "Linkage Payment") as such term is defined in Section 26A-2(3) of the Boston Zoning Code, in the amount as calculated and set forth in 2.4 of this

Agreement. The Applicant may, at its option, satisfy its obligation for the Linkage Payment, in whole or in part, by contributing to the creation of housing units for occupancy exclusively by low and moderate income residents of the City of Boston, as described in 2.2 of this Agreement (hereinafter "Housing Creation Option"), or by payments made in accordance with 2.3 of this Agreement (hereinafter "Housing Payment").

2.2 Housing Creation Option. If the Applicant shall elect to contribute to the creation of housing units for occupancy exclusively by low and moderate income residents of the City of Boston in order to satisfy its obligation for all or a portion of the Linkage Payment, the Applicant shall submit a proposal in writing to the Authority on or before the Payment Date, as defined in 2.6 of this Agreement and as further defined in the Housing Creation Regulations (hereinafter "Regulations"). Such proposal approved in accordance with the Regulations shall satisfy the provisions of the Housing Creation Exaction set forth in Section 26A-1(3)(a) of Article 26A of the Boston Zoning Code. The proposal shall include a description of the number, location, cost and design of the housing units. Applicant pledges compliance with said regulations, if Applicant avails itself of the Housing Creation Option. The proposal shall be subject to the approval by the Authority only after public notice and hearing.

2.3 Housing Payment Option. If the Applicant shall elect to contribute money payments in order to satisfy its obligation for all or a portion of the Linkage Payment, said payments shall be

paid to the Collector-Treasurer of the City of Boston (the "NHT Trustee"), Room M-5, One City Hall Square, Boston, Massachusetts 02201, as custodian pending acceptance of such payments for the Housing Trust by the City. The Applicant hereby agrees to notify the Authority of the delivery of such payments to the NHT Trustee. The payments shall be made in twelve (12) equal annual installments. The Authority hereby agrees that delivery of such payments to the NHT Trustee constitutes full satisfaction of the Applicant's obligation to make the Linkage Payments.

The first installment of the Linkage Payment shall be due and payable on the Payment Date, as defined in 2.6, infra., and subsequent installments shall be due and payable without interest (subject, however, to the next succeeding paragraph) on the following eleven (11) anniversary dates of the Payment Date.

The NHT Trustee shall enforce the Applicant's election under this Section of the Agreement and shall collect any funds due hereunder. In the event that the first Linkage Installment Payment is not made on or before the due date thereof (as provided herein), or in the event that any subsequent Linkage Installment Payments are not made within five (5) business days of the otherwise applicable due date hereof (as provided herein), the Applicant shall pay interest thereon at the rate of 1.5% per month, commencing on the applicable anniversary date of the Payment Date when payment should have been received by the NHT Trustee and ending on the date when the NHT Trustee receives payment.

2.4 Calculation of Linkage Payment. The parties hereby acknowledge that the Project will include certain uses enumerated in Table D of Article 26A of the Boston Zoning Code existence on the date hereof (hereinafter "Table D Uses"), including but not limited to office and retail space. It is anticipated that the gross floor area (calculated pursuant to Section 2-1(21) of the Zoning Code) of the Project devoted to one or more such uses in the aggregate will exceed one hundred thousand (100,000) square feet, said gross floor area devoted to such uses is expected to be approximately 180,146 square feet, based upon schematic drawings for the Project. The total amount of the Linkage Payment, calculated at the rate of \$5.00 for each square foot of gross floor area in excess of one hundred thousand (100,000) square feet devoted to one or more Table D uses, will approximate a total of \$400,730.00. The parties acknowledge that the amount of the Linkage Payment is based upon gross floor areas as estimated in the Plan. Prior to the issuance of a Certificate of Occupancy, the Applicant shall submit a statement of the final gross floor area for the Project as certified by the Project Architect (as described in the DIP Plan). If the actual gross floor area, as defined in Section 2-1(21) of the Boston Zoning code and as certified by the Project Architect differs from the above-stated estimate, the Applicant shall adjust the amount of the Linkage Payment in accordance with Article 26A of the Boston Zoning Code to reflect the actual gross floor area.

2.5 Recalculation. The Authority hereby agrees, subject to the recalculation provisions contained in 2.4 of this Agreement, that any changes in the formula (amount or rate of payment) for the calculation of the Linkage Payment as set forth in Section 26A-3(2) of Article 26A of the Boston Zoning Code and otherwise, or any change in the definition of "gross floor area" in Section 2-1(21) of Article 2 of the Boston Zoning Code or other changes in the Boston Zoning Code after February 27, 1986 shall not in any way increase the Linkage Payment determined in accordance with 2.4 of this Agreement.

2.6 Linkage Payment Date. The Payment Date shall be the earlier of either the issuance of a Certificate of Occupancy or twenty-four (24) months after the granting of the building permit that allows for substantial construction of the Project, whichever comes first. For purposes of this Section, demolition and surface site work shall not be considered substantial construction but the commencement of excavation, foundation, and other work shall constitute substantial construction.

2.7 Notice of Linkage Payment. Upon execution of this Agreement, the Authority shall notify the NHT Trustee of such execution.

In order to ensure promptly receipt of the first installment of the Linkage Payment, the Applicant acknowledges that the Inspectional Services Department (hereinafter "ISD") will not issue a Certificate of Occupancy for the building until satisfactory evidence of such receipt has been presented (or a Housing

Creation Agreement has been signed with the Authority) and that the Applicant must, therefore, pay the first installment of the Linkage Payment on or, at the election of the Applicant, prior to the Payment Date. Upon receipt of the first installment of the Linkage Payment, the NHT Trustee shall (a) acknowledge receipt thereof; (b) issue to the Applicant (and to such of Applicant's lenders or prospective lenders as Applicant may reasonably request) a certification of such payment; and (c) notify ISD of such payment.

The Authority shall review the Applicant's determination of the final gross floor area of the Project. If the Authority confirms the Applicant's determination it shall so certify and forward the same to the ISD with a copy to the NHT Trustee and to Applicant. Should the Authority fail to either confirm or contest Applicant's determination of gross floor area within 45 days of Applicant's request therefore, the Authority shall conclusively be deemed to have confirmed the same.

2.8 Project Address: The Project was the subject of Building Permit application number 2621. The Applicant intends to amend or refile its application for a Building Permit to construct the Project in accordance with the Plan. Concurrently with such amendment and/or refiling, the Applicant shall give the Authority notification of the same, which notification shall include specification to the Authority of the building permit application number relating thereto and the then-effective street address of the Project.

2.9 Non-Accrual of Linkage Payment. If a building permit is not granted for the Project or any part thereof, or if construction of the Project, or any part thereof, is abandoned after a building permit is obtained that allows for substantial construction as defined in 2.6 of this Agreement and prior to substantial completion (which shall be defined as the date certified by the Project Architect when construction is sufficiently complete in accordance with the Plan, so the Applicant can occupy or utilize the Project for the use for which it is intended), or if a building permit for the Project, or any part thereof, is revoked or lapses and is not renewed, then the Applicant shall have no responsibility for the Linkage Payment with respect to those portions of the Project not constructed.

2.10 Credit Towards Linkage Payment. If the City of Boston should hereafter impose, assess, or levy any excise or tax upon the Project, the proceeds of which are dedicated, in whole or in part, to the establishment of a fund for the purposes substantially the same as the purposes recited in Section 26A-1 of Article 26A of the Boston Zoning Code, amounts payable hereunder by Applicant shall be credited against such excise or tax; provided, however, that if such crediting shall not be legally permissible to satisfy payment of such tax or excise, the obligations of the Applicant hereunder shall, to the extent of the amount of such tax or excise, thereupon cease and be of no further force and effect.

ARTICLE 3 JOBS CONTRIBUTION GRANT

3.1 Jobs Payment. The Applicant shall be responsible, in accordance with the terms of this Agreement, for a Jobs Contribution Grant (hereinafter "Jobs Payment") as such term is defined in Section 26B-2(3) of Article 26B of the Boston Zoning Code, in the amount as calculated and set forth herein. The Jobs Payment shall be made to the Collector-Treasurer of the City of Boston (the "Jobs Trustee"), Room M-5, One City Hall Square, Boston, Massachusetts 02201, as custodian pending acceptance of such payments for the Neighborhood Jobs Trust by the City. The Authority hereby agrees that delivery of such payments to the Jobs Trustee constitutes full satisfaction of the Applicant's obligation to make such payments.

The parties hereby acknowledge that the Project will include certain uses enumerated in Table E of Section 26B-3 of Article 26B as in existence on the date hereof (hereinafter "Table E Uses"), including, without limitation, office and retail space. It is anticipated that the gross floor area of the project will be devoted to one or more Table E Uses in the aggregate will exceed one hundred thousand (100,000) square feet, said gross floor area devoted to such uses is expected to be 180,146 square feet, based upon schematic drawings for the Project. The total amount of the Jobs Payment calculated at the rate of \$1.00 for each square foot of gross floor area in excess of one hundred thousand square feet devoted to one or more Table E Uses, will approximate a total of \$80,146.00. The parties acknowledge that the amount of the Jobs

Payment is based upon gross floor area as estimated in the Plan. If the gross floor area of the Project, as defined in Section 2-1 (21) of Article 2 of the Boston Zoning Code and as certified by the Project Architect (as described in the Plan) differs from the above-stated estimate, the Applicant shall adjust the amount of the Jobs Payment in accordance with Article 26B of the Boston Zoning Code to reflect the actual gross floor area.

3.2 Recalculation. The Authority hereby agrees that subject to the recalculation provisions contained in 3.1 of this Agreement, any change in the formula (amount or rate of payment) for the calculation of the Jobs Payment as set forth in Section 26B-3(1) of Article 26B of the Boston Zoning code and otherwise, or any change in the definition of "gross floor area" in Section 2-1(21) of Article 2 of the Boston Zoning Code after February 27, 1986 shall not in any way increase the Jobs Payment determined in accordance with 3.1 of this Agreement.

3.3 Jobs Payment Date. The Jobs Payment shall be made in two (2) equal annual installments, the first installment due upon the issuance of a building permit that allows for substantial construction as defined in 2.6 of this Agreement and the remaining portion due on the anniversary of the first payment.

3.4 Non-Accrual of Jobs Payment. If a building permit is not granted for the Project, or part thereof, or if construction of any of the Project, or part thereof, is abandoned after a building permit is obtained and prior to substantial completion thereof (as defined in 2.9 of this Agreement), or if a building

permit for the Project, or part thereof, is revoked or lapses and is not renewed, then the Applicant shall have no responsibility for the Jobs Payment with respect to those portions of the Project not constructed.

3.5 Credit Toward Jobs Payment. If the City of Boston should hereafter impose, assess, or levy any excise or tax upon the Project, the proceeds of which are dedicated, in whole or in part, to the establishment of a fund for the purposes substantially the same as the purposes recited in Section 26B-1 of Article 26B, amounts payable hereunder by Applicant shall be created against such excise or tax, provided, however, that if such crediting shall not be legally permissible to satisfy payment of such tax or excise, the obligations of the Applicant hereunder shall, to the extent of the amount of such tax or excise, thereupon cease and be of no further force or effect.

ARTICLE 4 RESIDENTS CONSTRUCTION EMPLOYMENT PLAN

4.1 Boston Residents Construction Employment Standards. The Boston Residents Construction Employment Plan, a copy of which is attached hereto as Exhibit C, satisfies the requirements of the Boston Residents Jobs Policy established by Chapter 30 of the Ordinances of 1983 and the Mayor's Executive Order Extending the Boston Residents Jobs Policy dated July 12, 1985. The Applicant has executed the Boston Residents Construction Employment Plan, which sets forth in detail the Applicant's plans to use best efforts to ensure that its Contractor, and those engaged by said

contractor for construction of the Project on a craft by craft basis, meet the following Boston Residents Construction Employment Standards: (1) at least fifty (50) percent of the total employee workerhours in each trade shall be by bona fide Boston residents; (2) at least twenty-five (25) percent of the total employee workerhours in each trade shall be by minorities; and (3) at least ten (10) percent of the total employee workerhours in each trade shall be women. Said plan includes provisions for monitoring, compliance and sanctions.

4.2 Workerhours Defined. For purposes of this Article, workerhours shall include on-the-job-training and apprenticeship position.

4.3 Satisfaction of Boston Residents Jobs Policy. The Authority hereby acknowledges that, by executing this Agreement, the Boston Residents Construction Employment Plan attached hereto as Exhibit C satisfies the requirements of the Boston Residents Jobs Policy established by Chapter 30 of the Ordinances of 1983 and the Mayor's Executive Order Extending the Boston Residents Jobs Policy dated July 12, 1985.

ARTICLE 5 EMPLOYMENT OPPORTUNITY PLAN

5.1 The Applicant shall execute a Memorandum of Understanding (Exhibit D) and a First Source Agreement (Exhibit E). The Memorandum of Understanding sets forth an Employment Opportunity Plan which presents the Applicant's good faith efforts to ensure that fifty (50) percent of certain employment opportunities

created by the Project will be made available to Boston residents. The First Source Agreement with the Mayor's Office of Job and Community Services provides for the Applicant to use the services of the Boston Job Exchange employment referral before embarking on a general recruitment effort to fill entry-level positions within the Project.

ARTICLE 6 LIABILITY.

6.1 Letter(s) of Credit. As security for the payment of installments of the Linkage Payment subsequent to the first installment, the Applicant shall provide for the benefit of the Authority one or more letters of credit in the aggregate amount of 11/12 of the amount of the Linkage Payment as so calculated. Such letter or letters of credit shall be provided to the Authority on the date of payment of the first installment of such Linkage Payment. Applicant may provide such letter or letters of credit having expiration dates earlier than the expiration of the 11 - year period during which subsequent installments of the Linkage Payment are required in accordance with said Article 26A, provided that such letters of credit shall authorize the Authority to draw upon them if not replaced at least 30 days prior to their expiration date. Letters of credit to be provided by the Applicant as required by this Article 6 shall be in form reasonably acceptable to the Authority and the issuer thereof, and shall provide that following a default (after expiration of applicable grace periods) by the Applicant with respect to an installment of the Linkage

Payment, the Authority may draw down thereunder (in an amount not to exceed the amount of the then past due installment, together with accrued interest thereon) [provided, however, that the foregoing shall in no way be construed to prohibit the Authority from drawing down the entire amount of a Letter of Credit if the same is not replaced within 30 days of the applicable expiry date as aforesaid].

The principal amount of such letter or letters of credit may be reduced by Applicant after payment by Applicant to the Authority of any installment of the Linkage Payment, such principal reduction to be in an amount equal to the installment payment then made by the applicant. The Authority will take all steps necessary to enable Applicant to implement such reduction, including providing its written assent to any amendment to such letter or letters of credit, if required by the issuer thereof, or the exchange of the required by the issuer thereof, or the exchange of the letter or letters of credit held by the Authority for one or more substitute letters of credit having the lower principal amount.

6.2 Scope of Applicant's Liability. Subject to the provisions contained in 7.5, infra., the Authority agrees to look solely to the interests from time to time in the Project that are subject to this Agreement more fully described in the Development Impact Project Plan for this Project, whether owned by the Applicant or its successors or assigns (including without limitation, mortgagees), as the case may be, for any claim against the

Applicant or its successors or assigns (including, without limitation mortgagees) arising under this Agreement in connection with such improvements. However, from and after the delivery by the Applicant to the Authority of the letter or letters of credit described in Section 6.1, the Authority shall look solely to the proceeds of such letter(s) of credit as security for the performance of the obligations of the Applicant or its successors or assigns (including, without limitation, mortgagees) hereunder, it being understood that the Authority shall thereafter look to no other interests of the Applicant, or its successors or assigns (including, without limitation, mortgagees) the Project or the right to the use and occupancy thereof, in the event of a breach by the Applicant of its obligations hereunder.

6.3 Personal Liability. Subject to the provisions contained in 7.5 infra., neither the Applicant nor any trustee, beneficiary, partner, stockholder, manager, officer, director, agent or employee of the Applicant or its successors and assigns (including, without limitation, mortgagees) shall be personally or individually liable under this Agreement, nor shall it or they be liable beyond the extent of its or their interest in such Project.

ARTICLE 7. MISCELLANEOUS PROVISIONS.

7.1 Amendments; Law to be Applied. If the parties hereto agree hereafter to amend this Agreement, such amendment shall be in writing and executed by the parties hereto. This Agreement shall be governed by the laws of the Commonwealth of

Massachusetts, and sets forth the entire agreement between the parties. This Agreement is binding and enforceable under contract law upon, and inures to the benefits of, the parties, their successors, assigns, and legal representatives, including, without limitation, any successor owner of the improvements, and the Trusts as successor to the Authority as and when such Trusts shall be established, notwithstanding any subsequent amendment, or repeal of Article 26A or Article 26B or court decision having the effect of an amendment or repeal of Article 26A or Article 26B.

7.2 Capitalized Terms. The capitalized terms used herein without definition shall have the meanings ascribed in Article 2 or Article 26A or Article 26B of the Boston Zoning Code, unless otherwise provided.

7.3 Knowledge of Laws. Applicant shall keep itself fully informed of all votes of the Authority, City ordinances, executive orders, and regulations, and state and federal law which in any manner affect the provisions of this Agreement. Applicant shall at all times observe and comply with said votes, ordinances, executive orders, regulations or laws, and shall protect and indemnify the City and the Authority, its officers, agents and employees against any claim or liability arising from or based upon the violations of such ordinances, executive orders, regulations or laws, caused by any act or omission of the Applicant, its agents or employees.

7.4 Notice. All notices under this Agreement must be in writing and mailed by certified or registered mail with return receipt requested, postage prepaid, to the parties at the following addresses:

If to Authority: Boston Redevelopment Authority
Director's Office
One City Hall Plaza
Boston, MA 02201

With copy to: Boston Redevelopment Authority
Chief General Counsel
One City Hall Plaza
Boston, MA 02201

If to Applicant: Pappas Industrial Parks, Inc.
450 Summer Street
Boston, MA 02210
Attention: Michael S. Sophocles,
Esq.

With copy to: Fine & Ambrogne
Exchange Place
Boston, MA 02109
Attention: Peter Van, Esq.

7.5 Notice of Agreement upon Sale or Assignment. Within fifteen (15) days after the sale or assignment of a controlling interest in the Project: a) the Applicant shall give notice of such sale or assignment to the Authority; b) the purchaser or assignee shall expressly assume and agree to perform and comply (subject, however, to the nonrecourse provisions of Article 6 hereof) with all the covenants and provisions of this Agreement on the part of the Applicant to be performed; and c) there shall be delivered to the Authority the original or a duplicate original of the instrument or instruments containing such assignment to and assumption by the purchaser or assignee. Failure of the Applicant to give such notice within the applicable fifteen (15) days notice

period of the sale or assignment of its controlling interest in the Project shall render ineffective the provisions contained in Article 6 hereof with respect to the period subsequent to the applicable sale or assignment and prior to the time the Authority receives a notice and an assumption (by the purchaser/assignee) respecting such sale or assignment. A conditional or collateral assignment to a Lender shall not constitute a transfer of a controlling interest for purposes of this Section 7.5, unless and until such conditional/collateral assignee forecloses the lien of its security. Further, notwithstanding any provision of this Section 7.5 to the contrary, a sale or assignment otherwise subject to the foregoing clauses (a), (b), and (c) shall not be subject to such clauses where the transferee or proposed transferee is an Affiliate. For purposes of this Agreement, an "Affiliate" is a person, partnership, corporation, or other entity which controls, is controlled by, or is under common control with, the Applicant, and "control" shall mean the power to direct the management policies of the subject entity, whether by binding contract or by equity ownership.

7.6 Mortgagee Not Liable. No holder of a mortgage on the Project shall be liable to perform any of the obligations of the Applicant hereunder unless and until such holder acquires (and then only for so long as such holder continues to hold) title to the Project by foreclosure or deed in lieu of foreclosure.

7.7 Cooperation Covenant. The Authority will informally advise and will actively cooperate with and publicly support the Applicant's efforts in obtaining from the appropriate municipal, state and federal bodies and agencies all such permits, conditional use permits, licenses and approvals, exceptions and variances (including, without limitation, the variances, conditional use permits, and interpretation/confirmatory positions specifically contemplated by the Plan), and other deviations or relief from or under, the normal (i.e., as of right) application of the applicable zoning and building codes and other ordinances and statutes, which may be necessary in order to carry out development of the Project in accordance with the Plan in the most expeditious and reasonable manner. The Authority shall also cooperate fully in any amendment processes necessitated as a result of the refinement of the Drawings and specifications developed during the Design Review Process.

7.8 Certification of Compliance. The Authority hereby agrees to assist the Applicant in obtaining from the NHT Trustee and the Jobs Trustee, upon satisfaction by the Applicant of its obligations under the Linkage Payment and Jobs Payment (or any installment thereof), within 10 business days after request by the Applicant, a certification in recordable form, that said Linkage Payment or Job Payment (or installment thereof, as applicable), or both, as the case may be, has been satisfied by the Applicant and that the applicant has no further liability for such Linkage Payment of Jobs Payment (or such installment thereof).

7.9 Satisfaction of Development Impact Project Requirements. The Authority hereby acknowledges that, by executing this Agreement, the Applicant has satisfied the requirements of Section 26A-3(2) of Article 26A and Section 26B-3(1) of Article 26B of the Boston Zoning Code insofar as satisfaction of the requirements of those Sections are a precondition to the granting allowing, or adopting of a variance, conditional use permit, exception, or zoning map or text amendment with respect to the Applicant's development of the site.

7.10 Titles. The captions of this Agreement, its articles and sections throughout this document are intended solely to facilitate reading and referencing its provisions. Such captions shall not affect the meaning or interpretation of this Agreement.

7.11 Transfer of Interest. Rights and interests accorded by this Agreement shall not be assigned, delegated, subcontracted or in any way transferred by the Applicant without written notice to the Authority within fifteen (15) days of such transfer; provided, however, that the foregoing shall have no application to a conditional or collateral assignment to secure indebtedness of the Applicant to third parties (unless and until such conditional/collateral assignee forecloses its lien thereon), or to transfers to Affiliates (as defined in Section 7.5 hereof).

7.12 Voluntary Payment. No later than five days after a building permit for substantial construction (as that phrase is utilized in Section 2.6 hereof) issues with respect to the Project, the Developer shall contribute to a fund for the

development of affordable housing in the South Boston neighborhood the sum of Seventy Five Thousand and 00/100 Dollars (\$75,000.00), and no later than five days after the issuance of a Certificate of Occupancy issues with respect to the Project, the Developer shall contribute to said fund the sum of Seventy Five Thousand and 00/100 Dollars (\$75,000.00). The two foregoing Seventy Five Thousand and 00/100 Dollars (\$75,000.00) sums are in the aggregate herein referred to as the "Voluntary Contribution."

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in their behalf by their respective officers thereunto duly authorized as of the day and year first above set forth.

APPROVED AS TO FORM

Robert F. McNeil
Chief General Counsel
Boston Redevelopment Authority

BOSTON REDEVELOPMENT AUTHORITY

By: Stephen Coyle, Director

PAPPAS INDUSTRIAL PARKS, INC.

By: _____

EXHIBIT A

PARCEL I (419-423 Summer Street, Boston)

The land with the buildings thereon, now known as and numbered 419-421 and 423 on Summer Street, comprising Lot 3 on a "Plan of Land in Ward 9, Boston", dated November 21, 1919 by Geo. F. Shepard, Architect, and recorded with Suffolk Registry of Deeds, Book 4193, Page 536, and bounded and described as follows:

NORTHEASTERLY by Summer Street, One Hundred Twenty-five and 38/100 (125.38) feet;
SOUTHEASTERLY by Lot 4 as shown on said plan, Eighty-three and 69/100 (83.69) feet;
NORTHEASTERLY again by said Lot 4, Eight and 42/100 (8.42) feet;
SOUTHEASTERLY again by said Lot 4, One Hundred Seventy and 58/100 (170.58) feet;
SOUTHWESTERLY by Fargo Street, One Hundred Thirty-three and 24/100 (133.24) feet; and
NORTHWESTERLY by Lot 2 as shown on said plan, Two Hundred Forty-two and 49/100 (242.49) feet.

Containing 32,439 square feet.

Subject to and together with the benefit of foundation pier agreements set forth in the deed from Harry L. Rice et al, Trustees to Henry C. Brookings dated September 12, 1941 and recorded with Suffolk Deeds Book 5946, Page 81.

Subject to and with the benefit of the rights to use the "Shipping Court" shown on said plan as described in the deed of Lot 2 as shown on said plan from National Wool Marketing Cooperation to Court Square Press, Inc. dated April 24, 1951 and recorded with Suffolk Deeds Book 6688, Page 165.

For title, reference may be had to the deed of Albert T. Aladjjen and John Dane, Trustees of The 419 Trust, under a Declaration of Trust dated March 7, 1980, which deed is dated July 18, 1980 and is recorded at Suffolk Deeds, Book 9483, Page 140.

PARCEL II (450 D Street, Boston)

The land now known as and numbered 450 on D Street comprising a portion of Lot 4 on a "Plan of Land in Ward 9, Boston", dated November 21, 1919 by Geo. F. Shepard, Architect, and recorded with said Deeds, Book 4193, Page 536, bounded and described as follows:

SOUTHEASTERLY by D Street, One Hundred Seventy and 58/100
(170.58) feet;

SOUTHWESTERLY by Fargo Street, One Hundred Sixty and 76/100
(106.76) feet;

NORTHWESTERLY by other land of the mortgagors shown as Lot 3 on
said plan hereinabove described, One Hundred
Seventy and 58/100 (170.58) feet; and

NORTHEASTERLY by land now or formerly of Welby's Truck
Terminals, Inc. comprising the remaining portion of
Lot 4, One Hundred Six and 76/100 (106.76) feet.

Containing 18,211 square feet and being shown as Lot B on a
"Plan of Land in South Boston, Subdivision of Lot 4 on a plan by
George F. Shepard, Architect, dated Nov. 21, 1919", dated October
21, 1949 by Brosnahan and Bowes, Registered Engineers, recorded
with said Deeds, Book 6566, Page 94.

Subject to and together with the benefit of foundation pier
agreements set forth in the deed from Harry L. Rice et al,
Trustees to Ray C. Johnson dated September 12, 1941 and recorded
with Suffolk Deeds Book 5946, Page 90.

For title, reference may be had to the deed of Albert T.
Aladjen and John Dane, Trustees of The 419 Trust, under a
Declaration of Trust dated March 7, 1980, which deed is dated July
18, 1980 and is recorded at Suffolk Deeds, Book 9483, Page 140.

PARCEL III (452-462 D Street, Boston)

A certain parcel of land with the buildings thereon situated
at the corner of Summer Street and the Northwesterly side of D
Street in that part of Boston known as South Boston, being a part
of Lot 4 on "Plan of Land in Ward , Boston", dated November 21,
1919 by George F. Shepard, Arch., recorded with Suffolk Deeds Book
4193, Page 536, bounded and described as follows:

NORTHEASTERLY on Summer Street, one hundred fifteen and 68/100
(115.68) feet;

SOUTHEASTERLY on D Street ninety-four and 55/100 (94.55) feet;

SOUTHWESTERLY on land now or formerly of Denwel Realty Company
and on Lot 3 on said Plan, one hundred fifteen and
18/100 (115.18) feet;

NORTHWESTERLY on Lot 3 on said Plan, eighty-three and 69/100
(83.69) feet.

Containing ten thousand two hundred sixty-five (10,256)
square feet, or however otherwise said premises may be bounded or
described and be all or any of the said measurements or contents

more or less. Said premises are also described as being shown as Lot A on a plan of land in Boston - South Boston by Brosnahan & Bowes, Registered Engineers, dated October 21, 1949 and recorded with Suffolk Deeds Book 6566, Page 94.

For title, reference may be had to the deed of Welby's Truck Terminals, Inc. dated January 22, 1981, recorded Suffolk Deeds, Book 9657, Page 328.

Developer and Owner: Pappas Industrial Parks, Inc., 153 Summer Street, Boston, Massachusetts (the "Applicant"). Applicant's business address is 413 Summer Street, Boston, MA 02207. Applicant's telephone number is (617) 542-4778, and Applicant's designated contact is Michael E. Zacharias, Esq., who is Vice President and General Counsel of Applicant.

Architect: John Cunningham Architects, Inc., and/or such other architects as may be designated by the Applicant. The Architect's address and telephone number are listed in Exhibit A hereto.

Development Consultant: A list of the names, addresses, and telephone numbers of the Applicant's attorneys, architects, environmental consultants, transportation consultants, mechanical, electrical, and plumbing engineers, geotechnical consultants, and structural engineers is attached to this plan as Exhibit B.

Site Description: The site of the Project is composed of certain parcels of land bounded generally by Summer Street (to the east), D Street (to the south), Fargo Street (to the west), and 413 Summer Street (to the north), located in South Boston, and containing approximately 66,000 square feet, which site (the "Site") is more particularly described in Exhibit C attached hereto.

General Description of Project: An approximately 179,000 square foot mixed-use building owned by the Applicant, known as 425 Summer Street, is presently situated on a portion of the Site (the "425 Summer Street Building"). The Applicant proposes to construct an eight-story building (the "Building") containing approximately 168,000 square feet of gross floor area (the "GFA") on the portion of the Site not presently occupied by the 425 Summer Street Building. The Building includes a basement garage facility, which will provide parking spaces for 126 vehicles. The Building will be physically connected to and architecturally coordinated with the 425 Summer Street Building. The Building and said connection is hereinafter sometimes referred to as the "Project."

BOSTON REDEVELOPMENT AUTHORITY

April 7, 1988

DEVELOPMENT IMPACT PROJECT PLAN

For

435 Summer Street

(Bounded by Summer Street, D Street,
Fargo Street, and 415 Summer Street)
Boston, Massachusetts

Developer and Owner: Pappas Industrial Parks, Inc., 450 Summer Street, Boston, Massachusetts (the "Applicant"). Applicant's business address is 450 Summer Street, Boston, MA 02201; Applicant's telephone number is (617) 542-4778; and Applicant's designated contact is Michael S. Sophocles, Esq., who is Vice President and General Counsel of Applicant.

Architect: John Cunningham Architects, Inc., and/or such other architects as may be designated by the Applicant. The Architect's address and telephone number are listed on Exhibit A hereto.

Development Consultants: A list of the names, addresses, and telephone numbers of the Applicant's attorneys, architects, environmental consultants, transportation consultants, mechanical, electrical, and plumbing engineers, geotechnical consultants, and structural engineers is attached to this Plan as Exhibit A.

Site Description: The site of the Project is composed of certain parcels of land bounded generally by Summer Street (to the east), D Street (to the south), Fargo Street (to the west), and 415 Summer Street (to the north), located in South Boston, and containing approximately 60,905 square feet, which site (the "Site") is more particularly described in Exhibit B attached hereto.

General Description of Project: An approximately 179,000 square foot mixed-use building owned by the Applicant, known as 425 Summer Street, is presently situated on a portion of the Site (the "425 Summer Street Building"). The Applicant proposes to construct an eight-story building (the "Building") containing approximately 180,146 square feet of gross floor area (as that term is used in the Boston Zoning Code) on the southern portion of the Site not presently occupied by the 425 Summer Street Building. The Building includes a basement garage facility, which will provide parking spaces for 436 vehicles. The Building will be physically connected to and architecturally consistent with the 425 Summer Street Building. (The Building and said connection is hereinafter sometimes referred to as the "Project.")

Proposed Uses: The Project is a mixed-use development which will include, without limitation, office space, retail stores, and accessory uses. The Project will contain approximately 180,146 square feet of gross floor area, of which approximately 173,110 will be devoted to office use, with the remaining gross floor area of the Project being utilized for retail and/or retail, restaurant, and/or accessory uses. Retail services will primarily be located on the Plaza level, to be located on the corner of Summer and "D" Streets and along "D" Street.

Employment Plans: It is anticipated that the Project will generate an average of approximately 205 construction jobs and that the Project will produce approximately 726 permanent employees. The Applicant will execute a Boston Residents Construction Employment Plan, which satisfies the requirements of the Mayor's Executive Order Extending the Boston Residents Jobs Policy dated July 12, 1985 and the requirements of the Ordinance Establishing the Boston Employment Commission set forth in Chapter 12 of the Ordinance of 1986, as amended by Chapter 17 of the Ordinance of 1986. The Applicant will also execute an Employment Opportunity Plan and a First Source Agreement providing for the Applicant's good faith efforts to achieve a goal that 50% of permanent entry-level employment opportunities created by the Project shall be made available to Boston residents, as more fully described in, and subject to, the DIP Agreement referred to hereinafter.

Development Impact Project Contribution: The Project is a "Development Impact Project" under the Boston Zoning Code and, as required under Section 26A-3 thereof, the Applicant will enter into a Development Impact Project Agreement with the Authority for the Project (the "DIP Agreement"). Under the DIP Agreement, the Applicant shall be responsible for making a Development Impact Project Contribution (the "DIP Contribution") with regard to the Project. The DIP Contribution shall be made, at the Applicant's option, by (1) the grant and payment by the Applicant of a sum of money, payable at the times and in the manner and under the conditions specified in the DIP Agreement (referred to in Section 26A-3 of the Zoning Code as the "Housing Contribution Grant" but payable at the rate set forth in Section 26(2)(3)(a) of the Zoning Code, (ii) the creation by the Applicant of low and moderate income housing units at a cost at least equal to the amount of the Housing Contribution Grant and under the conditions specified in the DIP Agreement (referred to in said Section 26A-3 as the "Housing Creation Option"), or (iii) a combination of items (i) and (ii) above. Should the Applicant's obligation with regard to the DIP Contribution be satisfied solely in the form of a Housing Contribution Grant, total payments from the Applicant would equal approximately \$400,730.00, calculated as follows:

Total Square Footage of Gross Floor Area of Uses Enumerated in Table D of Article 26A of the Code:	180,146
Less Exemption:	100,000
Net Square Footage of Gross Floor Area, for Purposes of Payment	80,146
Total Housing Contribution Grant:	x <u>\$5.00</u> \$400,730.00

Jobs Contribution Grant: As required under Section 26B-3 of the Zoning Code, and as required under the terms of the DIP Agreement, the Applicant shall also be responsible for making a Jobs Contribution Grant with regard to the Project, in the manner and under the conditions specified in the DIP Agreement. The Jobs Contribution Grant will equal approximately \$80,146.00 calculated as follows:

Total Square Footage of Gross Floor Area of Uses Enumerated in Table E of Article 26B of the Code:	180,146
Less Exemption:	100,000
Net Square Footage of Gross Floor Area, for Purposes of Payment	80,146
Total Jobs Contribution Grant:	x <u>\$1.00</u> \$80,146.00

Estimated Construction Time: The Project will be developed in a single, continuous phase with a duration of up to 24 months from the start of construction.

Proposed Location and Appearance of Structures: The location and appearance of the Project shall generally conform with the schematic design drawings listed in Exhibit C hereto. These Drawings (said Drawings, as the same may from time to time be amended with the concurrence of the Authority, are hereinafter sometimes referred to as the "Plans"), have been approved by the Authority. The design and dimensional requirements of the proposed Project as approved in the Drawings may be subject to minor modifications as the result of continuing development review. Final Working Drawings and Specifications approved by the Authority shall be conclusively deemed to be in conformity with this Plan.

The building facade is brick masonry with a precast concrete base and trim, which compliments the design of 425 Summer Street. A glass and metal facade connects the Building with the 425 Summer Street Building. Garage construction is of reinforced concrete and the office building construction will be structural steel.

Building Dimensions: The dimensions of the Building will generally conform with the Plans. The height of the building averages 111 feet at Summer Street.

Legal Information: There are no legal judgments or actions pending which involve the Project. There are not now, nor have there been in the past, tax arrearages on any Boston property while under the ownership of the Applicant.

The Site is owned in fee by the Applicant and requires no additional parcel acquisition to effect the Development.

The Applicant previously made Application for a building permit for the Project, which Application was denied. Applicant intends to amend or refile its Application in accordance with applicable Articles of the Code, in order to obtain a building permit to construct the Project in accordance with this Plan.

Proposed Traffic Circulation; Access to Public Transportation: A Transportation Study dated November, 1987 was prepared by the Applicant's Traffic Consultant, Vanasse Hangen Brustlin, Inc. A copy of said Study, which included an analysis of parking, access, vehicle traffic, public transportation and pedestrian consultation, has previously been submitted to the BRA. The November, 1987 Study has been augmented by Memorandum dated March 17, 1988, a copy of which is annexed hereto as Exhibit D.

The Project Site is served by three MBTA bus routes, all of which stop within one block of the Site. Two of these provide direct service to the residential areas of the South Boston, while the third provides service to Downtown Boston and the North End. These bus routes also link the Site with the regional rapid transit, commuter rail, and express bus systems. One of these bus routes connects with the Red Line at Broadway Station and the Orange Line at New England Medical Center Station. Two of these routes connect with the Red Line, express buses, and commuter rail trains at South Station. One of these routes also connects with the Blue Line and commuter ferries at Aquarium and with the Orange and Green Lines and express buses at Haymarket Station. Additionally, one of the routes connects with MBTA express buses in the Financial District.

The Applicant will enter into a Transportation Access Plan Agreement with the Authority and the Boston Transportation Department respecting the Project.

Parking and Loading Facilities: As shown on the drawings for the Project listed in Exhibit C attached hereto, parking for approximately 436 vehicles will be provided in a garage facility to be constructed in the basement of the Building. Pedestrian access to the garage will be via the elevators serving the Building. Vehicular ingress to and egress from the garage will be on Fargo Street.

Service facilities for the office floors of the Buildings are provided by loading docks located at the 425 Summer Street Building immediately adjacent to the elevator core. Service

facilities for the non-office areas are through the parking facility, directly to the loading dock area in the adjacent building.

Open Spaces and Landscapes: A landscaped plaza is located between the Building and the 425 Summer Street Building, featuring a Jim Dine sculpture and seating areas. The open space and the landscaping for the Site are reflected on the Drawings listed on Exhibit C attached hereto.

Environmental Impact Assessment: The Applicant's Environmental Consultant, Boston Survey Consultants, Inc., has prepared an Environmental Impact Assessment dated March 27, 1988, a copy of which is annexed hereto as Exhibit E.

Zoning: The Site is located in an M-4 zoning district. The Site is located in a Restricted Parking District, but is not located in any other Interim Planning Overlay District or other Special Purpose Overlay District (as such terms are defined in the Boston Zoning Code). A parking facility will be constructed as a component of the Building and its use will be accessory to both the Building and the 425 Summer Street Building. Construction of the Project will involve certain conditional use permits, variances, and/or confirmation/interpretations of non-applicability of certain provisions of the Zoning Code. A summary of applicable dimensional requirements and other zoning matters is attached hereto as Exhibit F.

Community Groups: The Applicant has met with various representatives of the community respecting the Project, including (without limitation) the following:

Certain South Boston community leaders, on April 7, 1987.
Fort Point Channel CAC, on February 16, 1987.

Public Benefits: The mixed-use Project, which includes first class office and retail space, will be integrated with the fully renovated adjacent turn of the century 425 Summer Street Building, thereby achieving an important step in the renewal of the Summer Street business district. The upgrading of sidewalks, and tree plantings and the creation of exterior plaza and interior lobby space with publicly accessible art will represent amenities not just for the occupants of the Project and the residents of South Boston but for the City as a whole. The Project will add significantly to the City's Tax base (property taxes are expected to rise from \$9,200 to approximately \$450,000 annually) and the total of the so-called linkage and jobs contribution payments to the City will equal approximately \$500,000. In addition to providing construction-related jobs, permanent jobs which may have otherwise left the area due to anticipated takings relating to the construction of the Third Harbor Tunnel will remain in Boston. The Project will be an aesthetic coalition of the old and new and will significantly add to the quality of life and the economic vitality of the Summer Street business district. The Applicant

will submit a Boston Resident Construction Employment Plan in accordance with the Mayor's Executive Order of July 12, 1985 and will enter into related opportunity plans for entry-level permanent employment positions. The Applicant is also making a voluntary contribution of \$150,000.00 for application toward a South Boston neighborhood housing program.

WHEREAS, the Developer, having an office address for _____, Boston, Massachusetts 02210, proposes to construct an eight story, mixed-use (including accessory parking) building at 415 Summer Street, Boston, Massachusetts (said building and related improvements and amenities, hereinafter the "Project");

WHEREAS, the site of the proposed Project is bounded by Summer Street, D Street, Fargo Street, and a building located at and known as 415 Summer Street, Boston, said site (the "Site") being more particularly described in Exhibit A attached hereto;

WHEREAS, Developer and the Boston Redevelopment Authority (the "Authority") desire to bring the construction employment benefits of the Project to residents of the City of Boston, including, and among;

WHEREAS, Chapter 10 of the Ordinances of 1981, a copy of which is attached hereto as Exhibit B, was passed by the Boston City Council on September 26, 1981 and approved by the Mayor of the City of Boston on October 14, 1981, and said Chapter 10 established the Boston Resident Job Policy;

WHEREAS, the Mayor's Executive Order of July 12, 1985, entitled "Executive Order Extending the Boston Resident Job Policy," and the Development Impact Project Agreement between the Developer and the Authority pertaining to the Project dated April __, 1988, each require the Developer to prepare and submit and the Authority to approve a construction employment plan;

WHEREAS, the Boston Employer-Amployee Commission (the "Commission") has been established by Chapter 12 of the Ordinances of 1985 as amended by Chapter 17 of the Ordinances of 1986 (collectively, the "Ordinance") passed by the Boston City Council on July 30, 1985 and August 13, 1986 and signed by the Mayor of the City of Boston, a copy of which is annexed as Exhibit C and incorporated herein by this reference;

AND, WHEREAS, the Developer, the Authority, the Commission and the Mayor's Office of Job and Community Service ("OJCS") agree that the approved construction employment plan (the "Plan") for the Project is as follows:

Boston Residents
Construction Employment Plan
For
435 Summer Street

WHEREAS, Pappas Industrial Parks, Inc., a Massachusetts corporation (the "Developer") having an office address for purposes hereof of 450 Summer Street, Boston, Massachusetts 02210, proposes to construct an eight story, mixed-use (including accessory parking) building at 435 Summer Street, Boston, Massachusetts (said building, and related improvements and amenities, hereinafter the "Project");

WHEREAS, the site of the proposed Project is bounded by Summer Street, D Street, Fargo Street, and a building located at and known as 425 Summer Street, Boston, said site (the "Site") being more particularly described on Exhibit A attached hereto;

WHEREAS, Developer and the Boston Redevelopment Authority (the "Authority") desire to bring the construction employment benefits of the Project to residents of the City of Boston, minorities, and women;

WHEREAS, Chapter 30 of the Ordinances of 1983, a copy of which is attached hereto as Exhibit B, was passed by the Boston City Council on September 28, 1983 and approved by the Mayor of the City of Boston on October 14, 1983, and said Chapter 30 established the Boston Residents Jobs Policy;

WHEREAS, the Mayor's Executive Order of July 12, 1985, entitled "Executive Order Extending the Boston Residents Jobs Policy," and the Development Impact Project Agreement between the Developer and the Authority pertaining to the Project dated April __, 1988, each require the Developer to prepare and submit and the Authority to approve a construction employment plan;

WHEREAS, the Boston Employment Commission (the "Commission") has been established by Chapter 12 of the Ordinances of 1986 as amended by Chapter 17 of the Ordinances of 1986 (collectively, the "Ordinance") passed by the Boston City Council on July 30, 1986 and August 12, 1986 and signed by the Mayor of the City of Boston, a copy of which is annexed hereto as Exhibit C and incorporated herein by this reference;

NOW, THEREFORE, the Developer, the Authority, the Commission and the Mayor's Office of Jobs and Community Service ("OJCS") agree that the approved construction employment plan (this "Plan") for the Project is as follows:

Section I: DEFINITIONS

As used in this Plan, the following terms shall have the meanings set forth below. Capitalized terms used in this Plan without definition which are defined in the Ordinance shall have the meanings ascribed to them in the Ordinance.

- 1.1 Contractor: The general contractor for the Project engaged from time to time by the Developer, and, where the context requires, any subcontractor thereto.
- 1.2 On-Site Monitor: an individual employed by the Contractor whose responsibility will be (i) to serve as compliance officer for the purpose of pursuing the Boston Residents Employment Standards and (ii) the daily implementation of this Plan. As used in paragraphs 3.5 and 3.6 the phrase "On-Site Monitor" shall also include the individual designated by each subcontractor to serve as compliance officer for the purpose of pursuing the Boston Residents Employment Standards.

Section II: GENERAL REQUIREMENTS

- 2.0 Developer shall use Best Efforts to see that the Boston Residents Construction Employment Standards are met by its Contractor in constructing the Project.
- 2.1 The Developer shall incorporate into its construction contract with Contractor, and shall require Contractor to incorporate into each of its subcontracts, provisions requiring that Contractor and each subcontractor engaged in construction in connection with the Project comply with this Plan. The incorporation by reference of this Plan into any such construction contract or subcontract shall satisfy such obligation.
- 2.2 Documentation of the Developer's compliance herewith shall be maintained by the Developer; documentation of the Contractor's compliance herewith shall be maintained by the On-Site Monitor. The Developer shall provide copies of such documentation to OJCS as required herein or as requested from time to time by the Authority, OJCS or the Commission.
- 2.3 The Developer shall cause the Contractor to prepare a projection of work force needs over the course of construction of the Project and to complete the Projected Work Force Form attached hereto as Exhibit D and incorporated herein by this reference. Contractor shall update such projection periodically during the course of construction of the Project, but not more frequently than quarterly.

2.4 The Commission shall make determinations as to compliance by Developer and Contractor with the Boston Residents Construction Employment Standards at time intervals set out in one of the following two schedules, whichever allows for more frequent determinations:

- (1) When the Project is 25, 50, 75 and 100 percent complete, or,
- (2) Every three months from the date of commencement of construction of the Project.

"Percent complete" shall be measured by the percentage of the total worker hours expected to be worked on the Project as set forth in the projection of work force needs shown on the Projected Work Force Form submitted pursuant to paragraph 2.3.

"Commencement of construction of the Project" shall mean commencement of excavation, foundation, and similar work (as opposed to commencement of demolition and/or surface site work).

- 2.5 The Developer shall maintain, and shall cause Contractor to maintain, records necessary to ascertain compliance with this Plan for one (1) year after the issuance of a Certificate of Occupancy for the shell and core of the Building.
- 2.6 The Developer shall meet with the Contractor no less frequently than weekly throughout the period of construction of the Project to review the Contractor's compliance with this Plan and the Boston Residents Construction Employment Standards. The Developer shall record and maintain minutes of such meetings and forward copies thereof to OJCS within ten (10) calendar days of such meetings.
- 2.7 The Developer shall require that the Contractor and each subcontractor designate an individual to serve as compliance officer for the purpose of pursuing the Boston Residents Construction Employment Standards.
- 2.8 OJCS shall designate one individual from its staff who has substantial construction and management experience to serve as the Developer's contact regarding implementation of, and compliance with, this Plan. Said individual shall cooperate with the Developer and the On-Site Monitor and shall assist them in complying with this Plan.

Section III: PROCEDURES

- 3.0 The Developer shall furnish to the Authority and OJCS the name, title, business address and telephone number of the person designated as the On-Site Monitor.

- 3.1 Prior to the start of construction, the Developer and the Contractor shall meet with representatives of OJCS for the purpose of discussing and agreeing upon the methods and procedures for the implementation of the provisions of this Plan. Such meeting (the "Pre-Construction Conference") shall be attended by subcontractors to the Contractor then selected, if any, who shall have been notified by mail of the time, place, and purpose of such Pre-Construction Conference at least three (3) days in advance thereof.
- 3.2 Prior to the start of construction, the Contractor and each subcontractor to the Contractor then selected, if any, shall meet with appropriate representatives of the construction trades unions, OJCS, and the Authority for the purpose of reviewing the Boston Residents Construction Employment Standards and the estimated employment requirements for construction workers over the course of construction of the Project.
- 3.3 Within three (3) days after the employment or assignment of a worker to work on the Project, the Contractor and each subcontractor will obtain from such worker a completed and signed Residency Verification Form in the form attached hereto as Exhibit E. The Residency Verification Form shall be submitted to OJCS together with the first Weekly Utilization Report (as that term is used in Section 3.4 of this Plan) on which such worker's employment is first reported. If the Contractor or the subcontractor shall have requested a worker to complete such Residency Verification Form and the worker shall have refused to do so, in lieu of such Residency Verification Form the Contractor or subcontractor shall submit a sworn statement that the worker has been requested to complete and sign such form but has refused.
- 3.4 One week following the commencement of construction of the Project and each week thereafter until such work is completed the Contractor shall complete and submit to OJCS for the week just ended Weekly Utilization Reports in the form attached hereto as Exhibit F. In lieu of submitting the form attached hereto, the Contractor may submit payroll records containing the same information as is required on the form attached hereto as Exhibit F.
- 3.5 All persons applying directly to the Contractor or any subcontractor for employment in construction of the Project who are not employed by the person to whom application for employment is made shall be referred by such person to OJCS. The Contractor shall forward in writing to OJCS, within two business days of receipt thereof, the names, home addresses and telephone numbers (to the extent that the Contractor, having made due inquiry, possesses such information) of all persons applying directly to the Contractor or any subcontractor for employment in construction of the Project

who are not employed by the person to whom application for employment is made. The Contractor shall keep a written record of all referrals made to OJCS pursuant to this paragraph 3.5, of any person who was referred to the Contractor or any subcontractor by OJCS but was not hired, and the reasons why the person so referred was not hired. It shall be a sufficient reason for failure to hire any person so applying or referred that employment of such person would not comply with any union security clauses contained in any applicable collective bargaining agreements to which construction of the Project is subject.

3.6 Each request for qualified construction workers made by the Contractor or any subcontractor to a union hiring hall, business agent, or contractor's association shall contain a recitation of the Boston Residents Construction Employment Standards in the form of the manning request form attached hereto as Exhibit G and a request that referrals for construction positions be referred in the same proportion as such Boston Residents Construction Employment Standards. However, if at the time of any such labor request the requesting party's work force composition falls short of the Boston Residents Construction Employment Standards the requesting party shall adjust its request for referrals in an effort to more fully achieve the proportions set forth in the Boston Residents Construction Employment Standards. Copies of any requests for qualified workers made at a time when the requesting party's work force composition falls short of any one or more of the Boston Residents Construction Employment Standards shall be forwarded contemporaneously to the Skills Bank. In the event that the union hiring hall, business agent or contractor's association to whom or which such a request has been made fails to fully comply with such request, the requesting party's On-Site Monitor shall seek written confirmation from the union hiring hall, business agent, or contractor's association that there are insufficient workers in the categories specified in such request then shown on the list of unemployed workers maintained by such union hiring hall, business agent or contractor's association. Copies of any confirmation so obtained shall be submitted by such On-Site Monitor promptly to OJCS.

3.7 Representatives of OJCS may visit periodically the site of the Project during normal working hours to verify the information in the Weekly Utilization Reports, Residency Verification Forms, or other documentation submitted by the Contractor or the Developer. Such representatives shall comply with all safety and site control requirements imposed by the Contractor, including, without limitation, the execution and delivery of release of liability forms.

Section IV: DETERMINATION OF COMPLIANCE

- 4.0 Failure by the Developer or the Contractor, as the case may be, as determined by the Commission at the determination intervals set forth in paragraph 2.4 hereof, (i) to comply with this Plan, or (ii) to use Best Efforts in attempting to comply with the Boston Residents Construction Employment Standards, shall constitute non-compliance herewith. Any independent determination by the Authority of non-compliance herewith. Any independent determination by the Authority of non-compliance as herein defined shall be made only after the Authority has held a public hearing upon the issue of such non-compliance, notice of which shall have been given in writing to the Developer and the Contractor at least fourteen (14) days prior to such hearing.
- 4.1 If the Commission finds that the Developer is not in compliance with this Plan, the Commission shall issue a written notice of non-compliance to the Developer, which notice shall set forth such findings (the "Findings") and a summary of the facts and reasons on which the Findings are based.
- 4.2 The Developer shall have fourteen (14) days from receipt of said notice in which to appeal the Findings of the Commission. Any such appeal shall be in the form of a request for a hearing before the Commission to present such evidence as the Developer may have of its compliance with this Plan and with respect to the particular allegations of non-compliance made by the Commission. The Commission shall give the Developer at least fourteen (14) days prior written notice of such hearing.
- 4.3 In the event that the Developer appeals any of the Findings of non-compliance by the Commission, the Commission shall consider all evidence presented to it by the Developer and shall make new findings (the "Second Findings") in light of any such new evidence. The Commission shall notify the Developer in writing of the Second Findings, which Second Findings shall not be the subject of further appeal except to a court of law.

Section V: SANCTIONS

- 5.0 Pursuant to and in accordance with the Ordinance, the Developer shall deposit into the escrow fund established by the Commission pursuant to the Ordinance an amount equal to one tenth on one percent (0.1%) of the total cost of construction as stated in the building permit application for the Project, or shall provide such other (non-cash) collateral of equivalent value as is reasonably acceptable to the Authority. Such deposit shall be made upon the issuance of a building permit that allows for substantial construction (as that phrase is used in Section 2.6 of the DIP Agreement)

of for the Project. Such deposit shall secure the obligation of the Developer to pay, or cause the Contractor to pay, any fines finally and conclusively determined to be payable in accordance with the terms and provisions of this Plan and the Ordinance; in no event shall any such fines exceed the amount of such deposit (or the value of such substitute collateral). Such deposit (or such substitute collateral) shall be held until the Developer and Contractor has complied with this Plan or have satisfied any fines finally and conclusively determined to be payable as aforesaid.

- 5.1 No sanctions may be recommended or imposed by the Commission, and no sanctions may be imposed by the Authority unless and until the Commission and the Authority (as applicable) have complied with all the terms, provisions, and procedures set forth in this Plan and in the Ordinance.
- 5.2 The Developer and the Contractor shall be subject to such sanctions as are authorized by the Ordinance.

Section VI: MISCELLANEOUS

- 6.0 The provisions of this Plan are severable, and if any shall be held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.
- 6.1 This Plan shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts.
- 6.2 All notices required or permitted to be given under this Plan shall be in writing signed by duly authorized officers, and shall be deemed delivered if mailed, postage prepaid, by registered or certified mail, return receipt requested, or delivered by hand to the principal office of the party to which it is directed, which is as follows unless otherwise designated by written notice of the other party:

Developer: Pappas Industrial Parks, Inc.
450 Summer Street
Boston, MA 02210
Attention: Michael S. Sophocles, Esq.

With a copy to: Fine & Ambrogne
Exchange Place
Boston, MA 02109
Attention: Peter Van, Esq.

Authority: Boston Redevelopment Authority
One City Hall Square, 9th Floor
Boston, Massachusetts 02201
Attention: Director's Office

Commission: Boston Employment Commission
15 Beacon Street
Boston, Massachusetts
Attention: Executive Director

OJCS: Mayor's Office of Jobs and
Community Services
15 Beacon Street
Boston, Massachusetts
Attention: Director

- 6.3 Any increases in the percentages set forth in the Boston Residence Construction Employment Standards and any changes which serve to broaden the definitions of "Boston Resident" or "Minority" as set forth in the Ordinance shall not be applicable to the Project.
- 6.4 The Authority, the Commission and OJCS agree to look solely to the interests of the Developer or its successors or assigns from time to time in the Project that are subject to this Plan, for any claim against the Developer or its successors or assigns (including, without limitation, mortgagees) arising under this Plan in connection with the Project. Further, from and after the delivery by the Developer to the Commission of the amounts (or substitute collateral) described in Section 5.0 of this Plan, the Authority, the Commission and OJCS shall look solely to such deposited sum (or substitute collateral) for the performance of the obligations of the Developer and its successors and assigns (including, without limitation, mortgagees) hereunder, it being understood that none of the Authority, the Commission or OJCS shall thereafter look to any other interests of the Developer (or such successors and assigns [including, without limitation, mortgagees]), including, without limitation, the Project or the right to the use and occupancy thereof, in the event of any non-compliance with this Plan.
- 6.5 Neither the Developer nor any trustee, beneficiary, partner, stockholder, manager, officer, director, agent or employee of the Developer or any of its successors and assigns (including, without limitation, mortgagees) shall be personally or individually liable under this Plan, nor shall it or they be answerable or liable beyond the extent of its or their then-interests in the Project.
- 6.6 Section titles of this Plan are for convenience of reference only and shall be disregarded in construing any provision hereof.
- 6.7 The provisions of this Plan shall be binding upon, and shall inure to the benefit of, the successors and assigns of the Authority, the Commission and OJCS and the successor owners of the Project.

6.8 Subject to Sections 6.3, 6.4 and 6.5 of this Plan, in the case of any inconsistency between the provisions of this Plan and of the Ordinance, or of the provisions of any rules or regulations which may be adopted by the Commission pursuant to the Ordinance, the provisions of the Ordinance, or such rules or regulations, shall govern.

IN WITNESS WHEREOF, the undersigned have caused this Plan to be executed and delivered on this _____ day of April, 1988.

PAPPAS INDUSTRIAL PARKS, INC.

By: _____
James A. Pappas, President

APPROVED AS TO FORM:

BOSTON REDEVELOPMENT AUTHORITY

Chief General Counsel

Stephen Coyle, Director

BOSTON EMPLOYMENT COMMISSION

By:

Kristen McCormack,
Executive Director

MAYOR'S OFFICE OF JOBS AND
COMMUNITY SERVICES

By:

Kristen McCormack, Director

EXHIBIT A

PARCEL I (419-423 Summer Street, Boston)

The land with the buildings thereon, now known as and numbered 419-421 and 423 on Summer Street, comprising Lot 3 on a "Plan of Land in Ward 9, Boston", dated November 21, 1919 by Geo. F. Shepard, Architect, and recorded with Suffolk Registry of Deeds, Book 4193, Page 536, and bounded and described as follows:

- NORTHEASTERLY by Summer Street, One Hundred Twenty-five and 38/100 (125.38) feet;
- SOUTHEASTERLY by Lot 4 as shown on said plan, Eighty-three and 69/100 (83.69) feet;
- NORTHEASTERLY again by said Lot 4, Eight and 42/100 (8.42) feet;
- SOUTHEASTERLY again by said Lot 4, One Hundred Seventy and 58/100 (170.58) feet;
- SOUTHWESTERLY by Fargo Street, One Hundred Thirty-three and 24/100 (133.24) feet; and
- NORTHWESTERLY by Lot 2 as shown on said plan, Two Hundred Forty-two and 49/100 (242.49) feet.

Containing 32,439 square feet.

Subject to and together with the benefit of foundation pier agreements set forth in the deed from Harry L. Rice et al, Trustees to Henry C. Brookings dated September 12, 1941 and recorded with Suffolk Deeds Book 5946, Page 81.

Subject to and with the benefit of the rights to use the "Shipping Court" shown on said plan as described in the deed of Lot 2 as shown on said plan from National Wool Marketing Cooperation to Court Square Press, Inc. dated April 24, 1951 and recorded with Suffolk Deeds Book 6688, Page 165.

For title, reference may be had to the deed of Albert T. Aladjjen and John Dane, Trustees of The 419 Trust, under a Declaration of Trust dated March 7, 1980, which deed is dated July 18, 1980 and is recorded at Suffolk Deeds, Book 9483, Page 140.

PARCEL II (450 D Street, Boston)

The land now known as and numbered 450 on D Street comprising a portion of Lot 4 on a "Plan of Land in Ward 9, Boston", dated November 21, 1919 by Geo. F. Shepard, Architect, and recorded with said Deeds, Book 4193, Page 536, bounded and described as follows:

SOUTHEASTERLY by D Street, One Hundred Seventy and 58/100
(170.58) feet;

SOUTHWESTERLY by Fargo Street, One Hundred Sixty and 76/100
(106.76) feet;

NORTHWESTERLY by other land of the mortgagors shown as Lot 3 on
said plan hereinabove described, One Hundred
Seventy and 58/100 (170.58) feet; and

NORTHEASTERLY by land now or formerly of Welby's Truck
Terminals, Inc. comprising the remaining portion of
Lot 4, One Hundred Six and 76/100 (106.76) feet.

Containing 18,211 square feet and being shown as Lot B on a
"Plan of Land in South Boston, Subdivision of Lot 4 on a plan by
George F. Shepard, Architect, dated Nov. 21, 1919", dated October
21, 1949 by Brosnahan and Bowes, Registered Engineers, recorded
with said Deeds, Book 6566, Page 94.

Subject to and together with the benefit of foundation pier
agreements set forth in the deed from Harry L. Rice et al,
Trustees to Ray C. Johnson dated September 12, 1941 and recorded
with Suffolk Deeds Book 5946, Page 90.

For title, reference may be had to the deed of Albert T.
Aladjem and John Dane, Trustees of The 419 Trust, under a
Declaration of Trust dated March 7, 1980, which deed is dated July
18, 1980 and is recorded at Suffolk Deeds, Book 9483, Page 140.

PARCEL III (452-462 D Street, Boston)

A certain parcel of land with the buildings thereon situated
at the corner of Summer Street and the Northwesterly side of D
Street in that part of Boston known as South Boston, being a part
of Lot 4 on "Plan of Land in Ward , Boston", dated November 21,
1919 by George F. Shepard, Arch., recorded with Suffolk Deeds Book
4193, Page 536, bounded and described as follows:

NORTHEASTERLY on Summer Street, one hundred fifteen and 68/100
(115.68) feet;

SOUTHEASTERLY on D Street ninety-four and 55/100 (94.55) feet;

SOUTHWESTERLY on land now or formerly of Denwel Realty Company
and on Lot 3 on said Plan, one hundred fifteen and
18/100 (115.18) feet;

NORTHWESTERLY on Lot 3 on said Plan, eighty-three and 69/100
(83.69) feet.

Containing ten thousand two hundred sixty-five (10,256)
square feet, or however otherwise said premises may be bounded or
described and be all or any of the said measurements or contents

more or less. Said premises are also described as being shown as Lot A on a plan of land in Boston - South Boston by Brosnahan & Bowes, Registered Engineers, dated October 21, 1949 and recorded with Suffolk Deeds Book 6566, Page 94.

For title, reference may be had to the deed of Welby's Truck Terminals, Inc. dated January 22, 1981, recorded Suffolk Deeds, Book 9657, Page 328.

"EXHIBIT B"

ORDINANCES OF 1983
CITY OF BOSTON SUPPLEMENTAL
MINORITY PARTICIPATION ADN RESIDENT
PREFERENCE SECTION

[DOCUMENT 62 — 1983]



ORDINANCES OF 1983, CHAPTER 30

ESTABLISHING
THE BOSTON RESIDENTS JOBS POLICY

In the Year Nineteen Hundred and Eighty-three

Be it ordained by the City Council of Boston, as follows:

SECTION 1 Preamble.

Whereas, There is a very high rate of unemployment in the City of Boston among both white and minority residents:

Whereas, The subsequent multiplier effect of this high level of unemployment has a direct and deleterious effect upon all the neighborhoods of the City of Boston, resulting in the physical deterioration of neighborhoods, vandalism, and crime:

Whereas, The City of Boston expends nearly one billion dollars in contracts, part of this money derived from taxes paid by city residents:

Whereas, These contracts enable private developers to obtain state and federal funds, and provide such developers with property tax and other benefits, for the purposes of constructing public works projects and other projects aimed at reviving and rebuilding blighted and unproductive areas of the City of Boston:

Whereas, The vast majority of workers employed on such projects are individuals who do not reside in the City of Boston:

Whereas, Black, Hispanic, Asian, and native American residents of the City of Boston, as well as female residents, have historically been systematically excluded from the construction trades and unions in the City of Boston:

Whereas. The Boston Resident Jobs Policy has been an Executive Order since September 11, 1979; and

Whereas. The United States Supreme Court has declared the Boston Residents Jobs Policy to be a legitimate and legally valid policy; therefore, be it ordained as follows:

SECTION 2. Definitions.

The following words as used in this ordinance shall, unless the context otherwise requires, have the following meanings:

"Minority person" shall include those persons who are Black, Hispanic, Asian, or native American.

"Resident" is any person for whom the principal place where that person normally eats and sleeps and maintains his or her normal personal and household effects is within the city limits for the City of Boston.

"Agency" shall mean the unit of government, within the structure of the City of Boston that is responsible for the application, administration and execution of Community Development Block Grants, projects in the area of housing and employment, and federal affirmative action programs, currently the Neighborhood Development and Employment Agency.

"Contract Compliance Office" is that office within the structure of the City of Boston government that has purview over the areas of compliance and enforcement for federal, state and/or local affirmative action programs.

SECTION 3. Policy.

(a) On any construction project funded in whole or in part by city funds, or funds which, in accordance with a federal grant or otherwise, the city expends or administers, or which the city is a signatory to the construction contract, the worker hours on a craft-by-craft basis shall be performed, in accordance with the contract documents provided for in section 3(b) below, as follows:

1. at least 50 percent of the total employee manhours in each trade shall be by *bona fide* Boston residents;
2. at least 25 percent of the total employee manhours in each trade shall be by minorities;
3. at least 10 percent of the total employee manhours in each trade shall be by women.

For purposes of this paragraph worker hours shall include work performed by persons filling apprenticeship and on-the-job training positions.

(b) In order to insure compliance with the ordinance, the provisions of the City of Boston Supplemental Minority participation and Residents Preference Section shall be included by each city department in all contracts with any private corporation or individual for construction projects covered by this ordinance.

SECTION 4. Compliance, Enforcement, Sanctions.

(a) The agency, as defined in section 2, shall be designated as responsible for the planning, implementation and enforcement of this ordinance, and shall have the following duties:

Planning and Implementation. Prior to the commencement of any construction project, capital works, or city economic development plan covered by this ordinance, the agency shall:

1. review spending plans for such project;
2. identify the number of job positions to be created by the project;
3. specify training needed for entry level and semi-skilled positions by job title;
4. in conjunction with appropriate unions and their existing collective bargaining agreements, recruit employees and arrange for training through established union apprenticeship programs; and
5. establish a job screening and referral agency which shall refer city residents, minorities, and women to contractors and subcontractors to enable such contractors and subcontractors to comply with this ordinance.

(b) The Contract Compliance Office for the City of Boston shall be responsible for enforcing and monitoring compliance with the provisions of this ordinance and the contract provisions established in accordance therewith shall have the following duties:

1. to require all contractors and subcontractors affected by this ordinance to submit weekly workforce charts listing workers by name, residential address, craft, job category, hours worked, sex and race. These charts shall be public records.
2. to negotiate with all contractors/developers in order to identify and classify construction jobs by job titles, hiring dates, duration and training.

3. to register all interested community-based organizations, and notify such organizations of any pre-award conferences between the agency and developer/contractor relating to hiring requirements and goals as stated herein.

(c) The agency shall have the power, by means of the contract provisions referred to in section 3 above, to impose sanctions upon contractors and subcontractors found to be in noncompliance with this ordinance. Such sanctions shall include, but not be limited to: i) suspension of payments; ii) termination of the contract; iii) recovery by the city of .1 percent of the contract award price as liquidated damages; and iv) denial of right to participate in future projects for up to three years.

SECTION 5. Liaison Committee.

The agency shall establish a liaison committee which shall meet monthly, in a forum open to the public, to review the agency's reports, monitor compliance with the provisions of the ordinance, and make recommendations to the Agency and the City Council regarding enforcement of this ordinance. The agency shall accept nominations of three persons from interested groups including, but not limited to: Union Contractors, Non-Union Contractors, Boston Building Trades, State Office of Minority Business Assistance, Contractor Association of Boston, Training Agency personnel, Human Rights activist groups, women's organizations, community-based organizations and the Boston Chamber of Commerce. The agency shall thereafter select one person from those nominations submitted by each organization to serve without compensation for a term of two years. This nomination and selection process shall be used to fill any vacancy.

SECTION 6. Training Program.

The City of Boston shall establish or cause to be established, either independently or in concert with craft unions, and construction contractors, job training programs to train minorities, Boston residents, and women for skilled or semi-skilled construction jobs. These programs shall be supervised by the agency.

SECTION 7. Fines.

Any person who provides false information regarding his or her residence address shall be subject to a fine of not more than \$300.

SECTION 8. *Independent Agencies.*

Any and all activities of any independent agency, operating or acting on behalf of the City of Boston, including, but not limited to, the Boston Redevelopment Authority and the Economic Development and Industrial Corporation shall comply with the provisions of this ordinance.

SECTION 9. *Publishing.*

Notwithstanding the provisions of the City of Boston Code, Ordinances, Title 2, section 752, this ordinance shall be published by action of the City Council in passing the same.

SECTION 10. *Qualified Boston residents.*

In City Council September 28, 1983. Passed.

JOHN P. CAMPBELL.

City Clerk.

Approved October 14, 1983.

KEVIN H. WHITE.

Mayor.

A true copy.

Attest:

City Clerk.

CITY OF BOSTON
SUPPLEMENTAL MINORITY PARTICIPATION
AND RESIDENT PREFERENCE SECTION

WORK FORCE REQUIREMENT

BOSTON RESIDENT	50%
MINORITY PERSONS	25%
FEMALES	10%

The prime contractor and each subcontractor shall maintain not less than the above ratios of Boston Resident, Minority, and Female employee work hours to total employee work hours in each trade category worked on this contract.

The above workforce requirements shall apply to each trade that appears on the list of "Classification and Minimum Wage Rates" as determined by the Commissioner of Labor and Industries under the provisions of Chapter 149, Section 26 through 27G, of the General Laws of Massachusetts, as amended.

The prime contractor and each subcontractor shall fill not less than 50% of all training categories with Boston Residents, provided that whenever possible a greater percentage of Boston Residents shall be utilized in all training and apprenticeship categories.

Boston Resident, Minority and Female employment/training hours must be substantially uniform throughout the length of the contract in each trade category.

The transfer of Boston Resident, Minority and Female employees from contractor to contractor or from project to project for the sole purpose of meeting the workforce participation requirements shall be a violation of this contract.

Boston Resident Definition: The actual principal residence of the individual where he or she normally eats, sleeps and maintains his or her normal personal and household effects. Such residence may be established by any method acceptable by the Compliance Unit including but not limited to driver's license, utility bills and rent receipts.

SECTION 7: FINES: Boston Resident Jobs Policy Ordinance
Any person who provides false information regarding his or her residence address shall be subject to a fine of not more than \$300.

Minority Definition: An individual who is Black, Hispanic, Asian-American or American Indian.

The prime contractor is responsible for the compliance of all

City's employment requirements noted about in any subcontracts for work that will be performed on this project.

MINORITY BUSINESS PARTICIPATION

A 10% 10% Minority Business Participation level shall be maintained on this project. The minority business(es) utilized on the project for the purposes of fulfilling this requirement shall be in accordance with the terms of the Supplemental Minority Business Participation section of this contract and the Minority Business Utilization Form submitted with the bid proposal for this project.

Only businesses certified by the City of Boston Minority Business office of the NDEA will be credited towards this requirement.

Any substitutions or changes from the information concerning Minority business participation submitted with the bid shall be approved by the Director of the Compliance office of the NDEA.

Minority Business Definition: A business in which at least 51% of the beneficial ownership and control is held by one or more minority persons (Black, Hispanic, Asian-American or American Indian)

LABOR STANDARD REQUIREMENTS (HUD Funded Contracts Only)

The following checklist has been prepared to assist contractor and subcontractors in meeting contractual Labor Standards responsibilities. All major administrative and procedural activities have been covered in the sequence they will occur during the life of this project. Careful attention to and use of this checklist should result in a minimum number of problems.

BEFORE CONSTRUCTION BEGIN EACH CONTRACTOR HAS

- ☐ Not been debarred or otherwise made ineligible to participate in any federally assisted project.
- ☐ Received appropriate contract provisions covering Labor Standards requirements.
- ☐ Reviewed and understands all Labor Standards contract provisions.
- ☐ Received the wage decision as part of the contract
- ☐ Requested and received the minimum wage for each classification to be worked on the project which was not included on the wage decision.
- ☐ Requested and received certification from State's Bureau of Apprenticeship and Training for any trainees or apprentice employed to work on this project

AT START OF CONSTRUCTION THE CONTRACTOR MUST

Comply with the following:

- ___ Notify the awarding authority of construction start date in writing.
- ___ Has placed each of the following on a bulletin board prominently located on the project site which can be seen easily by the workers (and replaced if lost or unreadable any time during construction):
 - Wage Decision
 - Notice to Employee (WH4321)
 - Safety and Health Protection on the Job (DOL)
- ___ Before assigning each project worker to work, will obtain workers name, mailing address, and Social Security number (for payroll purposes) and forward a copy to awarding authority.
- ___ Has obtained a copy of each apprentice's certificate with the apprentice's registration number and his year of apprenticeship from the State BAT.
- ___ Will inform each worker of his/her work classification as it will appear on the payroll and his/her duties of work
- ___ Will comply with the minimum wage rate requirements as specified by the U.S. Dept. of Labor requires on this project that a journeyman is paid the minimum wage rate or more;

An apprentice is paid not less than the apprentice's rate for the trade based on his year of apprenticeship; or

A laborer is to do only laborer work-not to use any tool or tools of the trade-and not to perform any part of the journeyman's work and is to be paid the laborers minimum wage rate or more
- ___ Will inform each journeyman and each apprentice that a journeyman must be on the job at all time when an apprentice is working.
- ___ Must maintain a 1 to 5 ratio of journeymen to apprentice as required by the State Bureau of Apprenticeship Training on all trades where there is public bids involved. Unless bargaining agreements states otherwise
- ___ Will inform each employee that he/she is subject to being interviewed by the awarding authority, HUD, Dept of Labor or other government inspectors to confirm compliance with labor standards requirements.
- ___ Maintain accurate daily time records showing time work in each classification and the rate of pay for each classification, records must be signed.

DURING CONSTRUCTION EACH CONTRACTOR

- Will not select, assign pay lower rates to, transfer, upgrade, demote, lay off, nor dismiss any worker because of race, color, religion, sex or national origin.
- Will comply with all health and safety standards
- Will pay all workers weekly.
- Will submit workforce information on the Weekly Utilization report which includes the same information as the WH 347 forms.

A computer printout may be substituted for the Weekly Utilization report providing it includes the front and back information contained on the Weekly Utilization report.

For questions concerning filling out the Weekly Utilization reports contact the Compliance and Enforcement office for technical assistance.

REPORTING PROCEDURES

Employment Plan Form

The Employment Plan Form is an outline of the contractors anticipated workforce. It must be completed and submitted to the Compliance Monitor by the prime contractor and its subcontractors prior to the pre construction Conference.

Weekly Utilization Report

The prime contractor and its subcontractors shall submit a Weekly Workforce Utilization Report no later than the Tuesday following each week that work is performed. After the start of construction, reports must be submitted whether or not any work was performed. All reports must be completely and correctly filled out with original signatures on each report. Forms are available from the Compliance Unit.

Monthly Workforce Report - Form 257 (Federal contracts only)

The Monthly Work Force Report-Form 257 is used by the U.S. Dept. of Labor to verify contractor's compliance with the Executive Order 11246. The total number of work hours by sex and ethnic background in each trade category is required.

Minority Business Documentation

A copy of all contracts, invoices and checks issued to the Minority Business(es) utilized on this project shall be forwarded to the compliance monitor/awarding authority, along with the final Minority Business Utilization Form before final payment will be issued.

The prime contractor shall submit a copy of a letter to all subcontractors not in attendance delineating the City of Boston Supplemental Minority Participation and Resident Preference Section.

The prime contractor and each subcontractor must document all reasons for not complying with the above regulations when found to be out of compliance.

EXECUTIVE ORDER

ENCOURAGING MINORITY BUSINESS ENTERPRISE

The City of Boston for the past several years has continued to increase employment opportunities for minority residents within municipal government to help reduce the high rate of unemployment in minority and low income neighborhoods. It now proposes to expand its Affirmative Action Programs to include Economic Development Programs that will encourage the participation of Minority Business Enterprises in the City's contracting process.

Therefore, in order to assure the participation of Minority Business Enterprises in the City's contracting process as defined below, by the authority vested in me as Mayor of the City of Boston, it is hereby ORDERED:

ARTICLE I: DEFINITIONS

"BENEFICIAL OWNERSHIP AND CONTROL", ownership of at least 51 per cent of the voting stock or proprietary interest in any corporation, partnership or sole proprietorship. In the case of a joint venture, the Minority Business Enterprise must have a controlling interest in the joint venture in order to have such participation qualify toward meeting the requirements of ARTICLE II. The existence of any agreements, options, rights of conversion or other restraints which may be exercised within three years and which, if exercised, could reduce minority ownership or control to less than the requisite percentage, shall establish that the existing enterprise is not a Minority Business Enterprise.

"CITY", the City of Boston.

"CITY DEPARTMENTS", those Departments under the supervision of the Mayor or persons appointed by him.

"IMPACTED AREA", any area of the City with high concentration of minority residents so designated by the City of Boston; including but not limited to the following areas: Roxbury, North Dorchester, South End, Jamaica Plain and Mattapan.

"MINORITY PERSON", an individual who is Black, Hispanic, Oriental or American Indian.

"MINORITY BUSINESS ENTERPRISE", a business organization in which at least 51% of the beneficial ownership is held by

one or more minority persons.

"OFFICE OF MINORITY BUSINESS", the Office of Minority Business of the Human Rights Commission of the City of Boston which has primary responsibility for identifying and certifying minority businesses, monitoring the progress of all City Departments and providing technical assistance.

ARTICLE II: MINORITY TEN PERCENT REQUIREMENT

At least ten percent of the value of all construction, goods and services procured by the City during each fiscal year will be obtained from Minority Business Enterprises.

This policy specifically includes all monies expended through the Capital Budget, Operating Budget and all federally funded projects and programs. Where federal regulations require a percentage greater than ten percent, such higher percentages shall govern such programs.

All City Departments will be required to expend a minimum of ten percent of their total expenditures for the fiscal year for construction, goods professional services from Minority Business Enterprises either through contracts awarded by the line department or through Administrative Services acting on behalf of the Line Department.

Thirty percent of all construction work to be performed in Impacted Areas shall be awarded to Minority Business Enterprises.

ARTICLE III: MINORITY BUSINESS OFFICE

The Mayor's Minority Business Office will assist City Departments in locating minority business enterprises through their outreach program and through a listing of minority vendors which will be published on a regular basis.

The Minority Business Office will also provide technical assistance to both the City Departments and to the Minority Business Enterprises. The Minority Business Office will be responsible for monitoring the progress or lack of progress and making recommendations for correction action.

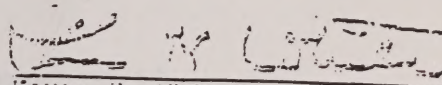
ARTICLE IV: POLICY IMPLEMENTATION

The Director of Minority Business Office in conjunction with the Law Department, will be responsible for developing contract documents for the implementation of this policy.

-3-

The Director of the Minority Business Office in conjunction with the Heads of the various city departments will develop systems and procedures to assure implementation and enforcement within all City Departments.

This Policy is effective July 1, 1973.


Kevin H. White
Mayor

June 28, 1973.
Date



"EXHIBIT C"

IN THE YEAR NINETEEN HUNDRED AND EIGHTY SIX

AN ORDINANCE

ESTABLISHING THE BOSTON EMPLOYMENT COMMISSION

ORDINANCES OF 1986, CHAPTER 12
ESTABLISHING THE BOSTON EMPLOYMENT COMMISSION

ORDINANCES OF 1986, CHAPTER 12
COUNCILLOR MENINO



CITY OF BOSTON

IN THE YEAR NINETEEN HUNDRED AND EIGHTY SIX

AN ORDINANCE

ESTABLISHING THE BOSTON EMPLOYMENT COMMISSION

Be it ordained by the City Council of Boston, in accordance with the provisions of Massachusetts General Laws Chapter 43B, Section 13, and any other applicable law, as follows:

Preamble: Policy of the City of Boston

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WHEREAS there is a need to ensure that Boston residents receive maximum benefits from the growing private economy of their city and the economic resurgence of office, hotel, retail, institutional, and unsubsidized residential development, including the permanent jobs which emanate from this economic expansion; and

WHEREAS there is unemployment and underemployment in the City of Boston, both among majority and minority residents;

WHEREAS Boston is experiencing a resurgence in its economy that is creating the potential for unprecedented economic opportunity; and

WHEREAS Boston has fully established itself as the economic center for the entire New England region and is generating wealth and revenues for people throughout the region; and

WHEREAS one principal aspect of a strong and vibrant city is the ability of its breadwinners to gain access to secure jobs that pay a living wage; and

WHEREAS Black, Hispanic, Asian and Native American residents of the City of Boston, as well as women residents

AN ORDINANCE

have historically been underrepresented in the workforce; and

WHEREAS an Ordinance establishing the Boston Residents Jobs Policy, Ordinances of 1983, Chapter 30, was promulgated to insure that Boston residents, minorities, and women receive preference in projects that have city funds or state or federal funds administered by the city; and

WHEREAS the Mayor issued an Executive Order relating to Boston Residents Jobs Policy, dated July 12, 1985, which established Resident Construction Employment Standards to further ensure employment for Boston residents, minorities, women; and

WHEREAS under the Boston Residents Jobs Policy, Boston residents are enjoying greatly improved access to jobs in the downtown construction industry; and

WHEREAS it is the policy of this City government to ensure that all people enjoy fair and open access to employment in permanent jobs in the private sector; and

WHEREAS it can be shown that broader cooperation from the private sector can produce meaningful employment opportunities for Boston residents who want and need them; and

AN ORDINANCE

1. WHEREAS job placement is contingent upon proper job training
2. and without necessary skills some Boston residents cannot
3. secure permanent jobs; and

4. WHEREAS it is essential to the success of the 1983 Boston
5. Residents Jobs Policy Ordinance and the 1985 Mayor's Executive
6. Order that projects and employment plans be monitored, that
7. findings be made with respect to compliance, and that
8. recommendations for sanctions be determined, and that all this
9. be done in a manner that provides for the due process rights
10. all parties; and

11. WHEREAS it is essential to engender an atmosphere of
12. cooperation between the public and private sectors with respect
13. to permanent jobs for Boston residents, minorities, and women
14. and

15. WHEREAS the following is declared to be in the public
16. interest; now

17. THEREFORE, be it ordained as follows:

18. SECTION ONE: Definitions

19. For the purposes of this Ordinance, the following
20. definitions shall apply, unless the context otherwise requires

AN ORDINANCE

(1) "Best Efforts." Developers and contractors may rely on traditional referral methods in the hiring of journeymen, apprentices, advanced trainees and helpers. Developers and contractors also shall implement affirmative action steps which include the following to the extent that such steps do not conflict with any applicable collective bargaining agreements.

As to Contractors:

- (i) The contractor shall designate and shall require each subcontractor to designate an individual to serve as a compliance officer for the purpose of pursuing the Boston Residents Construction Employment Standards ("Standards").
- (ii) Prior to the start of construction, the contractor and each subcontractor then selected shall meet with appropriate representatives of the construction trade unions, representatives from Mayor's Office of Jobs and Community Services, and the awarding or contracting authority for the purpose of reviewing the Standards and the estimated employment requirements for construction.

AN ORDINANCE

over the construction period of the Covered Project.

Whenever any person involved in the construction of a Covered Project makes a request to a union hiring hall, business agent or contractor's association for qualified construction workers, the request shall ask that those qualified applicants referred for construction positions be referred in the proportions specified in the Boston Resident Construction Employment Standards and shall, further, contain a recitation of such Standards.

However, if the requesting party's workforce composition at any time falls short of any one or more of the proportions specified in the Standards, the requesting party shall adjust his or her request so as to seek to more fully achieve the proportions specified in the Standards. If the union hiring hall, business agent or contractor's association to whom a request for qualified employees has been made fails to fully comply with such request, the requesting party's compliance

AN ORDINANCE

1. officer shall seek written confirmation from the hall, agent
2. association that there are insufficient employees in the
3. categories specified in the request and that such insufficiency
4. is documented on the unemployed list maintained by the hall,
5. agent or association. Copies of any confirmation so obtained
6. shall be forwarded to the Commission. Copies of any request
7. for qualified employees made at a time that the requesting
8. party's workforce composition falls short of any one or more
9. such Standards shall be forwarded contemporaneously to the
10. Skills Bank.

11. (iv) All persons applying directly to the Contractor
12. any subcontractor for employment in construction
13. a Covered Project who are not employed by the party
14. to whom application is made shall be referred by
15. said party to the Mayor's Office of Jobs and
16. Community Services, and a written record of such
17. referral shall be made by said party, a copy of
18. which shall be sent to such Office of Jobs and
19. Community Services.

20. (v) Contractors shall maintain a current file of the

AN ORDINANCE

s, addresses, and telephone numbers of each Boston
ent, minority, and woman who has sought employment with
ct to a Covered Project, or who was referred to the
actor by the Mayor's Office of Jobs and Community Services
as not hired. The contractor shall maintain a record of
reason any such person was not hired. If the construction
e Covered Project is subject to any union collective
ining agreements, it shall be deemed a sufficient reason
ailure to hire that the applicant for employment was not a
member.

- vi) The contractor shall in a timely manner complete
and submit to the Commission a projection of
workforce needs over the course of the construction
of the Covered Project. Such a submission shall
reflect needs by trade for each month of the
construction process.
- vii) The contractor shall obtain from each worker
employed in the construction of the Covered Project
a sworn statement containing the worker's name and
place of residence.

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1. (viii) One week following the commencement of construction
2. of the project, and each week thereafter until such
3. work is completed, the contractor shall complete
4. and submit to the Mayor's Office of Jobs and
5. Community Services for the week just ended a report
6. which reflects (a) for each employee, the
7. employee's name, place of residence, race, gender,
8. trade and the total number of worker hours he or
9. she worked, and (b) the total worker hours of its
10. total workforce.
11. (ix) The contractor and each subcontractor shall
12. maintain records reasonably necessary to ascertain
13. compliance with the steps detailed in clauses (i)
14. through (viii) hereof for at least one year after
15. the issuance of a Certificate of Occupancy for the
16. Covered Project. In its review of records of a
17. construction project submitted to demonstrate
18. compliance with these steps, the Commission shall
19. take into consideration any affirmative action
20. outreach programs and affirmative action job

AN ORDINANCE

ing programs of the particular trades participating in the
ed Project.

s to Developers:

- x) Developers of Covered Projects shall incorporate in every general construction contract or construction management agreement an enumeration of the Standards and shall impose a responsibility upon any such general contractor or construction manager to take all steps enumerated in clauses (i) - (ix) in Section One (1) and to incorporate such Standards in all subcontracts and impose upon all subcontractors the obligation to take such steps.
- (i) The developer shall meet with the contractor no less frequently than weekly throughout the period of construction of the Covered Project to review the contractor's compliance with such Standards and steps. The developer shall maintain minutes of such meetings and shall forward a copy of such minutes to the Mayor's Office of Jobs and Community Services within ten (10) days of each such meeting.

AN ORDINANCE

(xii) The developer shall comply with the escrow deposit requirements of Section Eight hereof.

(2) "Boston Employment Commission", hereinafter "Commission." There shall be in the City a Commission known as the Boston Employment Commission, consisting of seven (7) members, all appointed by the Mayor. The Commission shall have the powers and duties set forth in Section Three herein. The members of the Commission shall be deemed special municipal employees for purposes of Chapter 268A of the Massachusetts General Laws.

(3) "Boston Resident." Any person for whom the principal place where that person normally eats and sleeps and maintains his or her normal personal and household effects is within the city limits of the City of Boston.

(4) "Boston Residents Construction Employment Standards." The standards as contained below:

- (i) At least fifty percent (50%) of all Worker-Hours on a craft-by-craft basis in Covered Projects shall be worked by Boston Residents;
- (ii) At least twenty-five percent (25%) of all

AN ORDINANCE

1. Worker-Hours on a craft-by-craft basis in Covered Projects
2. shall be worked by Minority Persons;

3. (iii) At least ten percent (10%) of all Worker-Hours on a
4. craft-by-craft basis in Covered Projects shall be
5. worked by women.

6. (5) "Boston Resident New Hire Goals" The Commission will
7. determine baseline hiring goals for Boston residents,
8. minorities and women, such determination to be based upon a
9. consideration of:

10. (i) current workforce composition;

11. (ii) the composition of the workforce that is unemployed;

12. (iii) numbers and categories of new job opportunities
13. being created in Boston; and

14. (iv) an examination of employment trends in Boston over
15. the last 5 years.

16. The Commission shall reevaluate annually, and modify if
17. appropriate, such goals based upon the number of permanent
18. full-time equivalent new hires of Boston residents, minorities
19. and women during the previous calendar year.

20. (6) "Covered Projects." All projects, contracts, or

AN ORDINANCE

agreements within the jurisdiction of:

1. (i) the Boston Residents Jobs Policy, Ordinances of
2. 1983, Chapter 30 (hereinafter referred to as "Jobs
3. Ordinance") and for which the contract or agreement
4. is executed after the effective date of this
5. ordinance; and
6. (ii) any new construction or substantial rehabilitation
7. project in the city to which any partial or full
8. building permit has not already been issued for
9. this specific construction or rehabilitation,
10. dedicated to a retail, restaurant, and/or
11. institutional use as defined in the Boston Zoning
12. Code, which requires approval by the Zoning Board
13. of Appeals and in which it is proposed to erect a
14. structure or structures having a total gross floor
15. area (exclusive of all accessory parking garage
16. space) in excess of one hundred thousand (100,000
17. square feet or to enlarge or extend a structure or
18. structures so as to increase its (or their) gross
19. floor area (exclusive of all accessory parking
- 20.

AN ORDINANCE

1. garage space) by more than one hundred thousand (100,000)
2. square feet or to substantially rehabilitate a structure or
3. structures having, or to have, after rehabilitation, a gross
4. floor area (exclusive of accessory parking garage space) of
5. more than one hundred thousand (100,000) square feet.

6. (7) "Major Employer." Any corporation, partnership,
7. individual, or institution which employs more than five hundred
8. people to work within the City of Boston.

9. (8) "Mayor's Office of Jobs and Community Services,"
10. hereinafter "OJCS". The agency within the City of Boston
11. government responsible for compiling compliance information in
12. accordance with the Boston Residents Construction Employment
13. Standards and the Minority Business Enterprise/Women's Business
14. Enterprise Programs.

15. (9) "Minority Business Enterprise" ("MBE") A business
16. organization in which 51% in the aggregate of the beneficial
17. ownership is held by one or more minority persons.

18. (10) "Womens Business Enterprise" ("WBE") A business
19. organization in which 51% in the aggregate of the beneficial
20. ownership is held by one or more women.

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1. (11) "Minority Person" or "Minority". Any person who is
2. Black, Hispanic, Asian, or Native American, as these terms are
3. defined by the United States Census Bureau.

4. (12) "Permanent Job." Any full-time position, or its
5. equivalent, that an employer would fill year-round and continue
6. to fill indefinitely in a particular location.

7. (13) "Skills Bank." A job screening and referral bank
8. maintained by OJCS, which shall refer residents to available
9. jobs and/or to appropriate training programs, including but not
10. limited to, programs offered at the Hubert Humphrey
11. Occupational Resource Center.

12. (14) "Voluntary Employment Plan." Any plan to promote
13. hiring for jobs in Boston of Boston residents, minorities,
14. and/or women developed by a Major Employer or a group of Major
15. Employers.

16. (15) "Worker-Hours." The sum total of all hours worked by
17. all persons performing construction work.

18. SECTION TWO: Scope of Jurisdiction

19. The Commission's jurisdiction shall extend to: (1) Covered
20. Projects and (2) assistance in the formulation and monitoring

AN ORDINANCE

of Voluntary Employment Plans.

SECTION THREE: Powers and Duties

A. Covered Projects

(1) The Commission shall make determinations as to compliance by developers and contractors with the Boston Residents Construction Employment Standards. The Commission shall gather and receive compliance information from OJCS, investigate noncompliance complaints, make compliance determinations and, where appropriate, shall recommend sanctions to the awarding or contracting authority. The Commission may gather compliance information at any time and shall make compliance determinations in phases for each Covered Project in accordance with Sections Five, Six and Seven herein. For projects under construction upon the passage of this ordinance, all existing contracts and agreements shall remain in full force and effect and the provisions of this ordinance shall not otherwise apply.

AN ORDINANCE

AN ORDINANCE

1. (2) The Commission shall have the authority to
2. require developers of Covered Projects to submit:
3. (i) detailed plans which show how the developer
4. intends to meet the Boston Residents Construction
5. Employment Standards; and (ii) detailed plans
6. which show how the developer intends to meet
7. MBE/WBE goals contained in or applicable to City
8. contracts.
9. (3) In the review of such detailed plans, the
10. Commission shall consider any affirmative action
11. outreach programs and affirmative action job
12. training programs of the particular trades
13. participating in the Covered Project and
14. participation, if any, of the developer or the
15. contractor in any such program.
16. (4) The Commission shall monitor MBE/WBE goals
17. contained in or applicable to City contracts. The
18. Commission shall receive compliance information
19. from OJCS and shall recommend to the awarding or
20. contracting authority appropriate remedies for

AN ORDINANCE

compliance.

(5) The Commission shall monitor Davis-Bacon Act requirements contained in City agency or authority contracts. The Commission shall receive compliance information and shall forward any information concerning apparent noncompliance to appropriate federal agencies.

B. Voluntary Employment Plans

(1) The Commission shall meet with a group of representatives of Major Employers to review voluntary aggregate hiring goals set by said employers.

(2) The Commission shall receive information concerning the success in meeting the voluntary aggregate hiring goals.

The Commission shall encourage a group representing the Major Employers to issue an annual public report on the success of this effort and of voluntary business programs such as Boston Summer Jobs Program, the Boston Compact and Bostonworks.

AN ORDINANCE

1. (3) The Commission shall encourage Major Employers
2. to adopt Voluntary Employment Plans, which promote
3. a collaboration between the public and private
4. sectors to expand employment opportunities for
5. Boston residents, minorities and women. The
6. Commission shall encourage Major Employers to
7. incorporate the Boston Resident New Hire Goals in
8. their Voluntary Employment Plans. The Commission
9. shall advise OJCS and other City agencies of the
10. amounts and types of assistance identified by Major
11. Employers as being necessary to achieve the goals
12. included in their Voluntary Employment Plans. Such
13. assistance may include, but is not limited to, job
14. training, adult literacy and referral services.
15. The Commission may conduct surveys to assess the
16. progress made toward hiring goals as to Boston
17. residents, minorities and women.

18. C. General

19. (1) The Commission shall have the authority to
20. promulgate regulations as to matters within the

AN ORDINANCE

Commission's purview after public notice and hearing and upon majority vote of all members.

(2) The Commission shall cause to be created, in conjunction with the Mayor's Office of Jobs and Community Services, a job training program. Said job training program shall be conducted at the appropriate sites which may include the Hubert Humphrey Occupational Resource Center, or its successor, or other appropriate skills training facilities. The purpose of said training program is to provide skills training to any Boston Resident in order to be fully qualified for entry into existing apprenticeship programs or jobs. Subject to appropriation by the Mayor and the City Council, any fines levied against the escrow fund set out in Section Eight shall be for the benefit of this jobs training program and no other.

SECTION FOUR: Composition

The Commission shall be composed of seven (7) members, all of whom shall be appointed by the Mayor. The Commission shall

AN ORDINANCE

1 be representative of the interests of business, minorities,
2 women, organized labor, Boston Building Trades Council, and
3 Mayor's Jobs Liaison Committee. Members of the Commission
4 shall have demonstrated commitment to equal employment
5 opportunity. All members of the Commission shall be Boston
6 residents or shall maintain their principal place of business
7 in Boston.

8 (1) Term of Office

9 Commission members shall be appointed to two-year terms,
10 and members shall serve until their successors are duly
11 appointed. If a vacancy on the Commission occurs before a term
12 expires, that vacancy shall be filled by appointment by the
13 Mayor for the balance of the unexpired term.

14 (2) Removal

15 The Mayor may remove a member for just cause by filing a
16 written statement to that effect with the City Clerk. Reasons
17 for just cause shall include but not be limited to a pattern of
18 nonattendance, lack of residency or employment in the City of
19 Boston, noncompliance with the procedures established under
20 Section Five herein, failure to disclose conflicts of interest.

AN ORDINANCE

1. incapacity due to illness, or conviction of a crime. The
2. Mayor's determination that just cause for removal exists shall
3. be conclusive.

4. (3) Chair

5. The Chairperson of the Commission shall be designated by
6. the Mayor and shall serve in that capacity for a term of two
7. years.

8. (4) Quorum

9. In no event shall a quorum be fewer than four members of
10. the Commission.

11. (5) Voting

12. Every vote of the Commission shall require an affirmative
13. vote of no fewer than four (4) members of the Commission.

14. SECTION FIVE: Procedures

15. Actions or determinations under Section Seven, Eight or
16. Nine herein shall be taken or made in accordance with the
17. following administrative procedures:

18. (1) Hearings and Notice to Parties. A party subject
19. the jurisdiction and recommendation power of the
20. Commission shall be entitled to a hearing and shall

AN ORDINANCE

1. be given at least fourteen (14) calendar days notice of any
2. such hearing directly affecting his or her interests, such
3. notice to be in writing to the party and sent by mail, postage
4. prepaid, first class, to the party's usual place of business

5. (2) Method. Decisions to recommend sanctioning a party
6. shall require a majority vote of the Commission.
7. The Commission shall adopt procedures, voted by a
8. majority of all members, to establish the time,
9. place, and manner for its members to meet and vote
10. and for making determinations of compliance and
11. recommendations to awarding authorities or
12. agencies. All protections necessary to fulfill
13. due process requirements shall be incorporated into
14. the aforementioned procedures. Such procedures
15. any revisions to such procedures shall be submitted
16. in writing to the Mayor and OJCS within twenty-one
17. (21) calendar days of their scheduled adoption.

18. (3) Public Meetings. The Commission shall be subject
19. to the requirements of the Massachusetts Open
20. Meetings Law, G.L. c.39, §23A-C.

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(4) Records.

The Commission shall keep records of its meeting and shall record no less than the following: the time and place of the meeting; the topic(s) discussed at the meeting; members in attendance at the meeting; any votes taken; and any disclosure members of conflicts of interest. The Chairperson or his or her designee shall maintain such records in a good and legible condition. The records shall be available for inspection by any member of the public upon reasonable notice.

SECTION SIX. Standards for Compliance

The Commission shall use the Boston Residents Construction Employment Standards to monitor compliance of Covered Projects with this ordinance. A Covered Project shall be deemed to be in compliance if (1) the statistical monitoring data at the relevant determination date, as set forth in Section Seven hereof shows compliance with the Boston Residents Construction Employment Standards; or (2) if the Commission determines that Best Efforts have been made to comply with the Boston Residents

AN ORDINANCE

1. Construction Employment Standards.

2. SECTION SEVEN: Determination of Compliance

3. The Commission shall make determinations as to compliance
4. by developers and contractors of Covered Projects with the
5. Boston Resident Construction Employment Standards at time
6. intervals as set out in one of the following two schedules,
7. whichever allows for more frequent determinations:

8. (1) When the Covered Project is 25, 50, 75 and 100 percent
9. complete, or,

10. (2) Every three months from the date of commencement of
11. the Covered Project.

12. "Percent complete" shall be measured by the percentage of
13. the total worker hours expected to be worked on the project.
14. The Commission shall monitor that percentage and shall include
15. it in its monitoring reports.

16. SECTION EIGHT: Establishment of Escrow Fund

17. An escrow fund shall be established for each project which
18. is a Covered Project, as defined in Section One (6)(ii)
19. herein. Payment into the escrow fund shall be made by the
20. developer when the developer secures permanent financing for

AN ORDINANCE

1. the Covered Project. The developer shall pay into the escrow
2. fund an amount equal to one-tenth of one percent (.1%) of the
3. total construction cost of the project as stated in the
4. building permit application for the Covered Project; provide
5. however, that if either the developer or contractor has been
6. subject to a determination of noncompliance at more than two
7. determination dates in any prior Covered Project in which the
8. have participated in the preceeding twenty-four months, the
9. amount of the escrow fund required for the Covered Project
10. shall be two-tenths of one percent (.2%) of such construction
11. cost. The developer shall deposit these funds with an escrow
12. agent agreed upon by the parties pursuant to an escrow
13. agreement to which the Commission, the awarding or contracting
14. agency and the developer are parties, who shall hold said fund
15. for the purpose of satisfying any accrued fines levied in
16. relation to a project.

17. The escrow agent, at the time of deposit into the escrow
18. account, shall deduct all fines which have accrued against the
19. fund to that date. There shall be a written escrow agreement
20. detailing the terms under which the escrow funds are held.

AN ORDINANCE

1. Such agreement shall provide, at a minimum, that any demand
2. payment from the escrow account which is made upon the escro
3. agent by the awarding or contracting authority shall be made
4. writing and shall be accompanied by a written statement of t
5. reason for such demand, including any factual findings
6. supporting such reason. The demand shall further instruct t
7. escrow agent that he/she is to take no action on the demand
8. at least forty-eight (48) hours after receipt. A copy of th
9. demand shall be simultaneously served upon all other parties
10. the escrow agreement.

11. Interest, if any, accrued by the fund, shall remain in a
12. become a part of the escrow fund until such time as the fund
13. shall be released. When all necessary permits for the use o
14. the building have been issued to the developer, including bu
15. not limited to an occupancy permit and a finding of complian
16. has been made by the Commission, all monies in the escrow fun
17. including any accrued interest, shall be released and return
18. to the developer.

19. SECTION NINE: Sanctions

20. The Commision shall have the authority to recommend to t

AN ORDINANCE

awarding or contracting agency that sanctions against the
developers and contractors of Covered Projects be imposed for
noncompliance with the Boston Residents Construction Employment
Standards and/or for non-compliance with section Three (A)(1)
of this ordinance. The Commission shall recommend the
imposition of any or all three of the following sanctions:

(1) Fines to a maximum of three hundred dollars
(\$300.00) for each violation as determined by the
Commission when such developer or contractor was
not in compliance, as defined in Section Six, each
day of non-compliance to be considered as a
separate violation, to be levied
against the escrow fund as established by Section
Eight herein, provided that fines may still be
levied and will still be due if the escrow account
is exhausted;

(2) Preclusions from the award of municipal contracts
and competitions for public development rights for
a period of up to three (3) years, provided that
this sanction may only be recommended at the

AN ORDINANCE

completion of the Covered Project; or

(3) Sanctions as authorized by the Jobs Ordinance or incorporated in contracts.

The recommendation of sanctions under this section shall not preclude and shall be in addition to any action or sanction authorized by contract or agreement or otherwise authorized by law.

SECTION TEN: Staffing

The Commission shall have staff consistent with the Commission's purpose. The Director of OJCS shall be the Executive Director of the Commission, provided, however, that said Director shall be wholly compensated for his/her duties as Director from the budget of OJCS.

SECTION ELEVEN: Conflicts of Interest

No member shall appear before the Commission or represent any person, firm, corporation or other entity in any matter pending before the Commission. Members shall not participate in a discussion or a decision of the Commission on any matter in which they are directly or indirectly interested in a personal or a financial sense. Any disclosure of conflict of

AN ORDINANCE

interest shall be entered into the records of the Commission.

SECTION TWELVE: Severability

The provisions of this ordinance are severable, and if any provision shall be held invalid or unconstitutional by a decision of any court of competent jurisdiction such invalidity shall not impair, or otherwise affect, any other provisions of this ordinance.

SECTION THIRTEEN: Effective Date

This ordinance shall take effect 30 days after enactment.

JUL 30 1986

In City Council

Passed

[Signature] City Clerk

Approved AUG 12 1986

Raymond A. Flynn Mayor

A true copy of Chapter 12 of the Ordinances of 1986.

Attest:

[Signature]

Assistant City Clerk



ORDINANCES OF 1986, CHAPTER 17

CITY OF BOSTON

IN THE YEAR NINETEEN HUNDRED AND

AN ORDINANCE

AMENDING THE BOSTON EMPLOYMENT COMMISSION

Be it ordained by the City Council of Boston, in accordance with the provisions of Massachusetts General Laws Chapter 43B, Section 13, and any other applicable law, as follows:

1. SECTION ONE: The Ordinance establishing the Boston Employment
2. Commission is hereby amended in section one (v) by striking the last
3. sentence as it appears and inserting the following in place thereof
4. "If the construction of a the Covered Project is subject to any union
5. collective bargaining agreements, it shall be required that the employee
6. complies with any lawful union security clauses contained in such agreement.
7. SECTION TWO: This Ordinance shall take effect upon passage.

8.

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12.

In City Council September 10, 1986. Passed.
Approved by the Mayor September 26, 1986.

13.

14.

Attest:

15.

16.

City Clerk

17.

A true copy of Chapter 17 of the Ordinances of 1986.

18.

Attest:

19.

Assistant City Clerk

20.

"EXHIBIT D"

PROJECTED WORK FORCE FORM

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
RESIDENCY VERIFICATION FORM

NAME _____
ADDRESS _____

"EXHIBIT E"

RESIDENT _____
DATE OF VISIT _____
METHOD OF VERIFICATION _____

DATE OF VISIT _____

METHOD OF VERIFICATION _____
RESIDENCY VERIFICATION FORM

OWNER'S NAME _____

UTILITY BILL _____

RENTAL AGREEMENT _____

OTHER DOCUMENT _____

RETURN MAIL _____

VERIFICATION _____

NAME OF AGENT _____

AGENCY ADDRESS _____

DATE _____

BOSTON REDEVELOPMENT AUTHORITY
CONTRACT COMPLIANCE DEPARTMENT

RESIDENCY VERIFICATION

PROJECT: _____

CONTRACTOR: _____

RESIDENT
EMPLOYEE: _____

ADDRESS
LISTED: _____

DATE OF
SITE VISIT: _____

METHOD OF
VERIFICATION:

*DRIVER'S LICENSE _____

*UTILITY BILL _____

*RENT RECEIPT _____

*VOTERS REGIS. _____

*RETURN MAIL _____

VERIFICATION _____

CHANGE OF ADDRESS

MONITOR SIGNATURE: _____

DATE: _____

"EXHIBIT F"

WEEKLY UTILIZATION REPORTS

PROJECT DATE OF COMPLETION

1

Project/Location

Social Security # Name & Address	Sex M/F	Work Classification	Ethnicity (See Codes)	OT ST	Date							TOTAL	Total Hours
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**BOSTON REDEVELOPMENT AUTHORITY
CONTRACT COMPLIANCE DEPARTMENT
1 CITY HALL SQUARE
BOSTON, MA 02201**

REPLY TO REQUEST FORM

To: _____

From (Name of Contractor
or subcontractor): _____

"EXHIBIT G"

Name of Project: _____

Please be advised that construction of the above referenced
Project is subject to the Boston Residential Construction Employment
Standards which are as follows:

At least fifty percent (50%) of all workers shall be
employed by craft unions which are members of the
Industrial Union of Marine and Shipbuilding Workers of America.

At least twenty-five percent (25%) of all workers shall be
employed by craft unions which are members of the
International Union of Bricklayers and Allied Craftworkers.

MANNING REQUEST FORM

At least ten percent (10%) of all workers shall be
employed by craft unions which are members of the
International Union of Bricklayers and Allied Craftworkers.

Please refer to Chapter 15 of the Ordinances of 1982 for the City
of Boston for a more complete description of such standards.

In fulfilling manning requests of the undersigned, all
qualified construction workers to be employed in construction of
the Project, please refer to the manning standards in
such Boston Residential Construction Ordinances.

Complete only if applicable:

At the time of this request, our best efforts to obtain the
proportion to such Boston Residential Construction Employment
Standards. Therefore, to help us meet such standards, in
fulfilling this manning request please refer to such workers in the
following proportion:

Industrial Union of Marine and Shipbuilding Workers of America _____ percent

International Union of Bricklayers and Allied Craftworkers _____ percent

Other _____ percent

Signature of Contractor
or Subcontractor: _____

Date: _____

MANNING REQUEST FORM

To: _____

From (Name of Contractor
or Subcontractor): _____

Name of Project: _____

Please be advised that construction of the above referenced Project is subject to the Boston Residents Construction Employment Standards which are as follows:

At least fifty percent (50%) of all worker-hours on a craft by craft basis shall be worked by Boston Residents;

At least twenty-five percent (25%) of all worker-hours on a craft by craft basis shall be worked by Minority Persons;

At least ten percent (10%) of all worker-hours on a craft by craft basis shall be worked by women.

Please refer to Chapter 30 of the Ordinances of 1983 for the City of Boston for a more complete description of such standards.

In fulfilling manning requests made by the undersigned for qualified construction workers to be employed in construction of the Project, please refer such workers in the same proportion as such Boston Residents Construction Employment Standards.

Complete only if applicable:

At the time of this request, our work force composition is not in proportion to such Boston Residents Construction Employment Standards. Therefore, to help us meet such standards, in fulfilling this manning request please refer such workers in the following proportions:

Boston Residents: _____ percent

Minority Persons _____ percent

Women _____ percent

Signature of Contractor
or Subcontractor: _____

Date: _____

MEMORANDUM OF UNDERSTANDING

Memorandum of Understanding made this ____ day of April, 1988, by and among the City of Boston (the "City"), the Boston Redevelopment Authority (the "BRA"), and Pappas Industrial Parks, Inc., a Massachusetts corporation (the "Developer").

The Developer is the developers and owners of the commercial real estate project known or to be known as 435 Summer Street, Boston, Massachusetts (the "Development"). The Developer is a party to each of the following agreements with the City and/or the BRA: Development Impact Project Agreement (the "DIP Agreement"), and Boston Residents Construction Employment Plan (the "Boston Residents Plan") (collectively, the "Development Agreements"). Pursuant to the DIP Agreement, the Developer has agreed to formulate and submit to the BRA a voluntary employment opportunity plan, the purpose of which is to detail the Developer's good faith efforts to achieve the goal that fifty percent (50%) of the employment opportunities created in the Development will be made available to Boston residents.

Working in a cooperative effort with the Mayor's Office of Jobs and Community Services ("OJCS"), the Developer has formulated such a plan as set forth below, and has agreed to pursue the plan in the Development.

The employment opportunity plan set forth in this Memorandum of Understanding recognizes that substantially all of the entry level new job opportunities to be created in the Development will be created and filled by tenants of the Development (the

"Tenants"). Therefore, the following Employment Opportunity Plan (the "Plan") focuses upon steps which the Developer as landlord can take to urge and encourage its Tenants to hire Boston residents for new entry-level job openings. The Plan details two basic approaches to that endeavor, the first being fulfillment of a leadership role in which the Developer/landlord utilizes the employment training and referral resources available in the City of Boston, and the second being acting as a conduit to Tenants for information about those resources. The following paragraphs set forth the joint Employment Opportunity Plan:

I. Undertakings by Developer

A. With respect to all persons employed by a Developer in connection with the operation, management, and maintenance of, and provision of security to, the Development, the Developer will pursue as a goal the employment of Boston residents in fifty percent (50%) of the work force employed at the Development site. Persons employed by any agent or independent contractor providing maintenance, management, security or similar services whose personnel are permanently assigned to and work at the Development shall be considered employed by the Developer.

B. The Developer shall become a signatory to the Boston Compact by executing an Employer's Letter of Intent substantially in the form attached to this Memorandum as Exhibit A. The Boston Compact is an alliance between the Boston Public Schools and the business community which sets

measurable academic and employment goals including improved attendance, a reduction in the drop-out rate, better academic achievement, and an increase in college and job placement.

C. The Developer will enter into a First Source Agreement with OJCS substantially in the form attached to this Memorandum of Understanding as Exhibit B. The First Source Agreement provides for the Developer to use the services of the Boston Job Exchange employment referral prior to embarking on a general recruitment effort to fill entry-level positions within the Development.

D. The Developer will participate in the Private Industry Council's summer jobs program.

E. The Developer will assign or cause to be assigned to the management staff for the Development a liason officer who shall be responsible for compliance with the Developer's ongoing obligations under the Plan.

II. Dissemination of Information to Tenants

A. Subsequent to the final execution and delivery of a lease for space in the Development, the Developer will send to the Tenant thereunder a letter substantially in the form of Exhibit C to this Memorandum of Understanding, which letter will transmit the Employment Services Guide annexed to this Memorandum of Understanding as Exhibit D, which Employment Services Guide has been produced by and at the expense of various developers with the cooperation of OJCS.

B. During the month of February in each year through and including 1996, the Developer will solicit from each Tenant in the Development statistical information concerning the number of new employees hired by Tenant during the preceding calendar year and the percentage thereof who are Boston residents. Such statistical information will be transmitted to both the City [specify what office] and the BRA by the Developer no later than March 31st in each such year.

III. Continuing Joint Efforts

In July of each year through and including 1996, the Developer will meet with OJCS for the purpose of updating and revising the Employment Services Guide. Upon each such update or revision to the Employment Services Guide, the Developer will redistribute the Employment Services Guide, or supplementary or substitute pages thereto, to each Tenant in the Development, accompanied by a transmittal letter to be jointly formulated by the Developers at the time such update or revision is prepared

The execution of this Memorandum of Understanding subscribing to the foregoing Employment Opportunity Plan by the Developer is hereby recognized by the City and the BRA to satisfy each and every obligation of the Developer under its DIP Agreement to formulate such a Plan. The foregoing Employment Opportunity Plan is hereby approved by the City and the BRA. The Developer hereby

agrees to fulfill all of the undertakings and responsibilities imposed upon the Developer by the Plan from the date hereof through and including August 1, 1996. This Memorandum of Understanding shall be binding upon and inure to the benefit of the successor owners of the Development.

Notwithstanding any provision of this Agreement to the contrary, Section 6.4 and 6.5 of the Boston Residents Plan are by this references hereby incorporated in this Memorandum of Understanding for all purposes.

EXECUTED the date first above written.

[Signatures appear on the attached signature pages]

EXHIBIT "E"

FIRST SOURCE AGREEMENT

Preliminary Statement

WHEREAS, Pappas Industrial Parks, Inc., a Massachusetts corporation (the "Developer") is engaged in the development of an eight story, mixed-use (including accessory parking) building at 435 Summer Street, Boston, Massachusetts (the "Development"); and

WHEREAS in connection therewith, the Developer and the Authority have, effective this date, entered into a Development Impact Project Agreement (so-styled) respecting the Development (the "DIP Agreement"); and

WHEREAS, pursuant to a Memorandum of Understanding by and among the Developer, the City of Boston and the Boston Redevelopment Authority dated April __, 1988, setting forth Developer's Employment Opportunity Plan, Developer has agreed to enter into this First Source Agreement with the Mayor's Office of Jobs and Community Services ("OJCS") on behalf of the Boston Job Exchange program (the "Job Exchange") in which OJCS participates;

NOW, THEREFORE, the Developer and OJCS agree that, for the period from the date hereof through July 31, 1996, in seeking qualified employees to fill certain job vacancies and new employment positions for operating, security, maintenance and management personnel employed at the Development directly by the Developer, or any such personnel permanently assigned to the Development who are employed by any service, maintenance, security

EXHIBIT "E"

FIRST SOURCE AGREEMENT

Preliminary Statement

WHEREAS, Pappas Industrial Parks, Inc., a Massachusetts corporation (the "Developer") is engaged in the development of an eight story, mixed-use (including accessory parking) building at 435 Summer Street, Boston, Massachusetts (the "Development"); and

WHEREAS in connection therewith, the Developer and the Authority have, effective this date, entered into a Development Impact Project Agreement (so-styled) respecting the Development (the "DIP Agreement"); and

WHEREAS, pursuant to a Memorandum of Understanding by and among the Developer, the City of Boston and the Boston Redevelopment Authority dated April __, 1988, setting forth Developer's Employment Opportunity Plan, Developer has agreed to enter into this First Source Agreement with the Mayor's Office of Jobs and Community Services ("OJCS") on behalf of the Boston Job Exchange program (the "Job Exchange") in which OJCS participates;

NOW, THEREFORE, the Developer and OJCS agree that, for the period from the date hereof through July 31, 1996, in seeking qualified employees to fill certain job vacancies and new employment positions for operating, security, maintenance and management personnel employed at the Development directly by the Developer, or any such personnel permanently assigned to the Development who are employed by any service, maintenance, security

or management agent or independent contractor engaged by the Developer, whether such positions be full-time, part-time or seasonal, Developer shall follow the following procedures:

A. Prior to announcing or advertising the availability of an entry-level employment position created by vacancy of an existing position or of a new entry-level employment position at the Development in any communications medium (other than compliance with internal posting procedures) or with any employment or referral agency, the Developer will notify the Job Exchange of such position, including a general description of the position and Developer's minimum requirements for qualified applicants therefore, and shall request the Job Exchange to refer qualified applicants for such position. The Developer shall refrain from such announcement or advertisement for a period of five (5) business days after notification to the Job Exchange of the availability of such position. Such five (5) day period is hereinafter referred to as the "Advance Notice Period."

B. Upon receipt from the Developer of a notice of an employment position, the Job Exchange shall refer to the Developer candidates for employment who the Job Exchange believes are qualified for the position and who meet the Developer's minimum requirements for such position, and shall make arrangements for the person or persons referred to be interviewed by the Developer within the Advance Notice Period. In the event that the Job Exchange believes that it is unable to refer qualified candidates for such position within the Advance Notice Period, it shall so inform the Developer, thereby waiving the obligation of the

Developer to refrain from further announcement or advertisement to fill such position during the balance of the Advance Notice Period.

C. Nothing contained herein shall prevent the Developer from filling job vacancies or newly created positions without compliance with the foregoing procedures by transfer or promotion from its existing staff or from a file of qualified applicants maintained by the Developer; provided, however, that the Developer shall give consideration first to those applicants in such file of qualified applicants previously referred by the Job Exchange. Further, nothing contained herein shall be construed to require Developer or any service, maintenance, security or management agent or independent contractor engaged by the Developer to hire any candidate referred by the Job Exchange.

D. The Developer shall incorporate the provisions of this First Source Agreement in all contracts, agreements, and purchase orders for labor with any service, maintenance, security or management agent or independent contractor engaged by the Developer whose personnel will be permanently assigned to the Development and shall obligate such agent or independent contractor to comply with the procedures set forth in Paragraphs A through C hereof.

E. The execution of this First Source Amendment is required by Article 5 of the DIP Agreement. The execution of this First Source Agreement by the Developer is hereby recognized and acknowledged by the Authority and the City to satisfy each and every obligation of the Developer under the DIP Agreement with

respect to any obligations of the Developer thereunder to enter into a First Source Agreement or to use the services of the Boston Job Exchange Employment Referral prior to embarking on a general recruitment effort to fill entry-level positions within the Development.

F. The Developer, the Authority, the Boston Employment Commission and the Mayor's Office of Jobs and Community Services have, effective this date, entered into a Boston Residents Construction Employment Plan (so-styled) respecting the Development (the "Boston Residents Plan"). Notwithstanding any provision of this Agreement to the contrary, Sections 6.4 and 6.5 of the Boston Residents Plan are by this reference hereby incorporated in this First Source Agreement for all purposes.

Executed this _____ day of April, 1988.

PAPPAS INDUSTRIAL PARKS, INC.

By: _____
James A. Pappas, President

CITY OF BOSTON ACTING BY AND
THROUGH THE MAYOR'S OFFICE OF
JOBS AND COMMUNITY SERVICES

By: _____
Kristen McCormack, Director

DRAFT

Date

Tenant's Name
and Address

Re: City of Boston
Jobs Program

Dear (Tenant):

I write to welcome (Tenant) to 435 Summer Street and to seek your participation in a comprehensive jobs program initiated by the City of Boston and wholeheartedly supported by Pappas Industrial Parks, Inc.

I am pleased that (Tenant) has chosen to locate at 435 Summer Street, a project that is a significant element of the continued renaissance of Boston.

To ensure that the economic vitality evidenced by 435 Summer Street extends to all parts of the City, Pappas Industrial Parks, Inc. is working with the Mayor's Office of Jobs and Community Services to increase employment opportunities for residents of Boston.

Pappas Industrial Parks, Inc. is pledged to use its best efforts to include Boston residents in its own workforce and is taking affirmative steps, with the City's assistance, to recruit and employ Bostonians--our goal is that 50% of our new hires will be Boston residents.

I urge (Tenant) in its selection of new candidates for employment to focus on this important matter and to subscribe to this goal. The attached "Keep Boston Working Guide" details the various job programs, hiring projects, and technical assistance efforts available to employers seeking to include Boston residents to their employ. This handbook has been assembled by the staff of the Mayor's Office of Jobs and Community Services and many of Boston's developers and is a most valuable employment tool.

Some of the services and programs referred to in the "Guide":

- * The Boston Job Exchange is a public/private employment training and referral program. It can refer candidates for job openings at no fee. They can be reached at _____.
- * Pappas Industrial Parks, Inc. has signed the Boston Compact and encourages you to become a participating member of this partnership among the private sector, the City, and the Boston Public Schools.

- * The Mayor's Office of Jobs and Community Services is anxious to learn of your employment needs and, if possible, to fashion customized training or other programs to help you fill those needs with qualified Boston candidates. Your Project Manager at JCS is (Project Manager) and can be reached at _____.
- * Pappas Industrial Parks, Inc. participates in the Private Industry Council's summer jobs program. We encourage you to do the same.
- * We encourage you, if you have your own in-house training program, to accept referrals from the Boston Job Exchange or from your Project Manager for openings in those training programs.
- * We will notify you from time to time of job fairs sponsored by the management of Boston's major office developments.
- * It would be helpful if, when advertising for a position, you would send a copy to the placement offices and organizations listed in Tab #__ or your tenant handbook.
- * Pappas Industrial Parks, Inc. participates in Opportunity in Boston, a private sector effort to hire Boston residents and minorities for middle management positions in Boston's private sector. We encourage you to explore this option.

All of this information is reviewed in Tab #_____ of the tenant handbook for 435 Summer Street. Mr./Ms. _____ is the member of our management staff directly responsible for assisting you in any effort you may choose to make to pursue these permanent employment goals.

From time to time we will update you on this effort and advise you of new resources available to you to assist in the pursuit of these goals. We will also ask you periodically to provide statistical information to us as to Boston residents as a percentage of your new hires at 435 Summer Street. This information will be treated as strictly confidential and will be used solely to compile a composite report of employment statistics in new Boston developments for submission to the City of Boston.

Finally, Pappas Industrial Parks, Inc. has entered into a First Source Agreement with the Mayor's Office of Jobs and Community Services, agreeing that in filling employment positions at 435 Summer Street, Pappas Industrial Parks, Inc. will look to the Boston Job Exchange referral service first before embarking upon a more general recruitment effort. Please consider making such a commitment for your own Company.

Boston's economic health depends not just on the bricks and mortar of its new developments. The meaningful participation of Bostonians in Boston's economy is equally essential to a strong community; Pappas Industrial Parks, Inc. understands that and hopes (Tenant) will join us in making the City's employment goal a reality.

Pappas Industrial Parks, Inc. is fully committed to the Mayor's jobs effort; if we can ever be of use to you on this matter, please do not hesitate to call.

Very truly yours,

Pappas Industrial Parks, Inc.

By: _____
_____, _____

Enclosures

April 5, 1985

Mr. Robert L. Farrell
Chairman
Boston Redevelopment Authority
Room 910
Boston City Hall
Boston, MA 02201

Dear Mr. Chairman:

As Chairman of the Fort Point Channel Channel's Advisory Committee (CAC), I am writing to inform you that the Pappas Industrial project, 435 Summer Street Letters of Support, in South Boston received a favorable review by the Committee.

As you are aware, the Fort Point Channel CAC is the advisory body to the Authority offering community input in the master planning and formation of an IFOD for the area. The CAC was formerly known as the Pier Pier 4 CAC. Last summer, however, at the behest of the Mayor, our mandate was expanded to represent various concerns relative to the ongoing efforts currently being undertaken in the area by the Authority. The CAC's membership was also broadened at that time, and we now represent over 15 community and business associations in the area.

On February 16, 1985, Mr. Pappas presented his project to the Fort Point Channel CAC. Over sixty people came to the meeting that evening. Mr. Pappas walked the CAC through his plan and responded to questions from the CAC and the audience. I am pleased to report that the reception at that meeting was favorable. Most notably, the project was supported by representatives of labor--this will be a union job--and the South Boston Board of Trade. Further, the traffic impacts were discussed at length and the CAC believes that these impacts will be minimal. A Boston Transportation Department representative suggested that the amount of parking proposed was not inappropriate for the area. This is substantial in Commissioner Richard D'Amico's letter to me dated March 18, 1985 (attached).

April 5, 1988

Mr. Robert L. Farrell
Chairman
Boston Redevelopment Authority
Room 910
Boston City Hall
Boston, MA 02201

Dear Mr. Chairman:

As Chairman of the Fort Point Channel Citizen's Advisory Committee (CAC), I am writing to inform you that the Pappas Industrial Parks proposed project at 435 Summer Street in South Boston received a favorable review by the Committee.

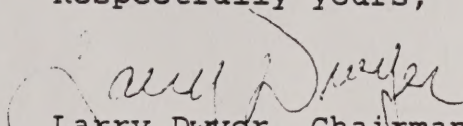
As you are aware, the Fort Point Channel CAC is the advisory body to the Authority offering community input in the master planning and formation of an IPOD for the area. The CAC was formerly known as the Fan Pier/Pier 4 CAC. Last summer, however, at the behest of the Mayor, our mandate was expanded to represent various concerns relative to the rezoning efforts currently being undertaken in the area by the Authority. The CAC's membership was also broadened at that time, and we now represent over 25 community and business associations in the area.

On February 16, 1988, Jim Pappas presented his project to the Fort Point Channel CAC. Over sixty people came to the meeting that evening. Mr. Pappas walked the CAC through his plans and responded to questions from the CAC and the audience. I am pleased to report that the reception at that meeting was favorable. Most notably, the project was supported by representatives of labor--this will be a union job--and the South Boston Board of Trade. Further, the traffic impacts were discussed at length and the CAC believes that these impacts will be minimal. A Boston Transportation Department representative suggested that the amount of parking proposed was not inappropriate for the area. This is substantial in Commissioner Richard Dimino's letter to me dated March 28, 1988 (attached).

Farrell
April 5, 1988

In South Boston, Mr. Pappas is regarded as a businessman whose history there has been characterized by thoughtfulness and responsibility. The CAC's response to this project is evidence of the relationship with the people of South Boston, and as Chairman I offer the Fort Point Channel CAC's support for the project.

Respectfully yours,


Larry Dwyer, Chairman
Fort Point Channel Citizen's
Advisory Committee

cc: Steve Coyle

Although Sumner St. is not operating at capacity, it will be
service, scheduled improvements to the street. The
improvements along it will be made in the next few years. The
Access Road for the 2nd St. project, which will be made
available to the project. The Access Road for the 2nd St. project
Vineyard, 3 and Pappas St. will be made available to the project.
service project for the 2nd St. and 3rd St. project. The Access Road
improvement is the one that will be made available to the project.
Sumner St. project. The Access Road for the 2nd St. project
service improvements will be made available to the project.

The Boston Transportation Department will be making plans
improving the 2nd St. project. The project will be made
plans, scheduling, and the installation of the project. The
improvements will be made available to the project. The project
of the City's transportation department. The project will be made
available to the project.

With regard to the 2nd St. project, the Department will be
making plans for the project. The project will be made
available to the project. The project will be made available to the project.

Boston

Raymond L. Flynn, Mayor

March 28, 1988

Mr. Larry Dwyer
Fort Point Channel Citizen's Advisory Committee
Boston Housing Authority
City Hall
Boston, MA 02201

Dear Mr. Dwyer;

In response to your request, I am writing to provide you with the Transportation Department's comments on the proposed development at 435 Summer Street.

This project is one of the first new developments since the passage of the zoning amendment making the South Boston piers area a part of the Restricted Parking District. The project accordingly requires a conditional use permit for parking. The amendment was passed in response to the City's need to regulate the creation of parking while the area is developing with the Seaport Access Road, the Fan Pier/Pier 4, the World Trade Center Phase II and other projects.

Although Summer St. is now operating at satisfactory levels of service, scheduled developments in the South Boston flats will increase volumes along it considerably over the next five years. The Access Plan for 435 Summer St. attributes some traffic impacts specifically to this project. The intersections of Summer St. with Viaduct, D and Pappas Way will experience degradations in level of service between the No-build and Build conditions. The Fargo/D St. intersection is the one most directly and severely affected by the 435 Summer St. project. The Access Plan predicts that the level of service there will worsen from "E" to "F" if the project is built.

The Boston Transportation Department will investigate means of improving flow on Summer St., including for example changes in signal timing, channelization, and the institution of parking restrictions to increase capacity as needed. These issues will be addressed in the context of the City's long-range transportation planning for the area, with which you are familiar.

With regard to the Fargo/D St. intersection, the developer may be asked by the Transportation Department to make certain commitments in an Access Plan Agreement to address the problem through design

Richard A. Dimino, Commissioner, Transportation Department
City of Boston/City Hall Square/Boston, MA 02201



modifications and capital contributions. Specifically, it may be necessary to signalize the intersection. Since this project directly contributes to congestion at the intersection, it is fair to ask the developer to pay for that signalization.

Secondly, it should be noted that the Fargo and D st. frontages of the project are on the South Boston Truck Route. The geometrics of the intersections of D St. with Fargo and Summer Sts. are such that the turn onto Fargo is difficult for long trucks. Accordingly, the Transportation Department has proposed to the BRA that the proposed building should be modified at the corner so as to better accomodate truck maneuvers.

The Transportation Department is currently evaluating the need for both the signalization and the redesign of the Fargo/D. St. intersection. If they are deemed desirable, we will inform the BRA and the developer and initiate a request that the developer bear the cost of these improvements. We will try to reach a decision on these matters within the next few weeks.

In order to further mitigate traffic and to diminish demand for parking at the project site, a comprehensive program of transportation management measures should also be instituted. These include:

- an aggressive, computerized rideshare program providing information about carpooling and vanpooling to all employees working in area buildings owned by the Pappas Company;
 - reserved carpool and vanpool parking spaces;
 - concerted efforts to encourage and facilitate transit use;
 - commitments to coordinate demand-reduction measures with other area developers and building owners as prescribed by the BRA.
- Finally, it may be appropriate for the developer to participate in the Transportation Management Association which was initiated under the terms of the Cooperation Agreement for the Fan Piers/Pier 4 projects. The TMA's purpose is to coordinate the traffic mitigation efforts of all the major developers in the South Boston piers area.

Parking is a very sensitive issue with the South Boston residential community. Residents are understandably concerned that the amount of parking in the piers area is related to the volume of traffic along such streets as L and D. There is substantial sentiment in favor of using parking restrictions as a way of keeping a lid on the number of cars that pass through South Boston.

It is true that in an area which is highly developed and well served with transit, restrictions on the availability of parking can result in marginal changes in the mode choice of travelers, especially commuters. However, the effectiveness of such a tactic is limited in an location such as this project's. Ultimately, the volume of vehicular traffic on Summer Street will be a function of the square footage of development there. Not to provide enough parking for the buildings that are constructed would potentially result in commuters parking in the adjacent residential neighborhood.

TRANSPORTATION

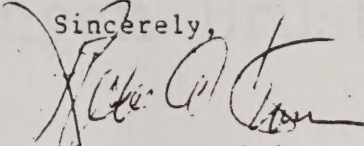
In light of the potential conflicts between the commercial and industrial development planned for the South Boston piers area and the existing residential community, a comprehensive parking plan is needed. The local roads planning and design study which this Department has recently begun is an appropriate setting for the development of this plan. The Fort Point Channel Citizen's Advisory Committee will play an important ongoing role in this process.

In the meantime, this Department's policy is that the area of Summer and D Streets requires more parking per square foot of office space than does the downtown, at least until transit service there is greatly improved. The average for the downtown is somewhere around .5 spaces per thousand square feet. An appropriate, though by no means final, guideline for the part of the South Boston piers more than one-quarter mile from South Station is one space per thousand square feet.

The proposed project is 180,000 square feet. The parking, proposed to be constructed underground, is to serve also the adjoining, existing 180,000-square-foot building. 436 spaces are proposed. If both buildings are counted in, the ratio would be just over 1.2 spaces per thousand square feet. This is not far out of line with the above guidelines.

Vanasse H. Corbin, Inc.

Sincerely,



Richard A. Dimino
Commissioner

cc: Bill Whitney, BRA
James Pappas, Pappas Management Corp.

5395T CHS/AJM

TRANSPORTATION ACCESS PLAN

435 Summer St. Development
South Boston, Massachusetts

November, 1987

Vanasse Hangen Brustlin, Inc.

TRANSPORTATION ACCESS PLAN

435 SUMMER STREET

SOUTH BOSTON, MASSACHUSETTS

prepared for

THE PAPPAS MANAGEMENT CORPORATION

November, 1987

prepared by

VANASSE HANGEN BRUSTLIN, INC.
Consulting Engineers & Planners
60 Birmingham Parkway
Boston, MA 02135

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INTRODUCTION

This report describes existing transportation conditions in the project study area, estimates the impact of the development in terms of vehicle, transit and pedestrian trips to the site, and provides a detailed analysis of the study area under existing and future (1989) conditions. As a benchmark, it provides an analysis of conditions in the forecast year without 435 Summer Street but with other projects currently under construction or approved for development. A supplementary parking analysis is also provided for conditions likely to be in place after the project is constructed. The work described herein is based on the scope of work approved by the Boston Redevelopment Authority.

SUMMARY OF FINDINGS

The project will have relatively small and manageable transportation impacts. On a daily basis, the project is expected to generate 1,430 new one-way vehicle trips. During the peak hours, an estimated 237 and 244 new vehicle trips are projected during the inbound AM and outbound PM peaks, respectively. Ten intersections were analyzed with regard to traffic impacts. The addition of project-related traffic to 1989 No-Build volumes results in only four study intersections during the morning peak and one during the evening peak experiencing a change in peak hour level of service (LOS) from No-Build conditions. In all cases except one, the resulting service levels will still be acceptable, and in the remaining case, the deficiency can be corrected.

Levels of service can range from LOS "A" (best) to LOS "F" (worst). LOS "D" or better is generally considered acceptable, particularly in urban areas. In the AM peak, the signalized intersections of Summer Street/Viaduct Street and Summer Street/

Dry Dock Street/Pappas Way will both decline from LOS "B" to "C" (acceptable). Also during the morning peak, the signalized intersections of Summer Street/D Street and Broadway/D Street will drop in LOS from LOS "C" to LOS "D" (acceptable). In the evening peak hour, the unsignalized intersection of Fargo Street/D Street will decline from LOS "E" to LOS "F", meaning that delays will be experienced by Fargo Street traffic. "D" Street traffic will not be delayed. This location can be improved to LOS "B" through the recommended mitigation measures.

The project is expected to generate approximately 550 daily transit trips, including just over 100 in each peak hour. Most of these trips are expected to use local bus service to travel between the site and the major transit stations in downtown Boston. Only about 20 to 40 new project riders are estimated to use bus service from downtown to the site in the AM peak hour and from the site toward downtown in the PM peak hour. Therefore, little impact is expected on bus or rapid transit service.

435 Summer Street will include the construction of about 436 parking spaces below grade. The analysis suggests that the long-term (all day) commuter parking demand associated with the project will be 394 spaces. Short-term, non-employee demand is expected to be 120 spaces, resulting in a combined demand for 514 spaces. Based on an analysis of area parking supply and demand, the resultant deficit of 78 spaces can be met by available parking supply within 1,000 feet of the site, even when combined with additional shortfalls associated with the adjacent 425 Summer Street building.

The report includes a proposed Access Plan which identifies specific mitigation actions to reduce even the small impact of this development. Included are commitments by the proponent to take steps to reduce and manage vehicular trip generation to the site and to design the access to minimize impacts on adjacent streets. Trip reduction efforts include measures to promote ridesharing and transit use, to encourage alternative work schedules, to restrict truck deliveries to non-peak hours, and to provide administrative support for trip reduction/management efforts.

Although not formally analyzed, local street impacts from the project will be even less when the Seaport Access Road and Third Harbor Tunnel come on-line in 1994 due to its excellent location between two planned interchanges in South Boston.

THE 435 SUMMER STREET PROJECT

The development program analyzed consists of approximately 180,000 square feet of office and retail space. Table 1 summarizes the program, which includes 173,100 square feet of office space and 7,000 square feet of retail space. The site is bounded by Summer Street, D Street, Fargo Street, and the existing 425 Summer Street development. Currently, a vacant lot, which is utilized by Pappas tenants for parking, occupies the site. As a result, the project will add slightly over 180,000 square feet of new space to the South Boston office market.

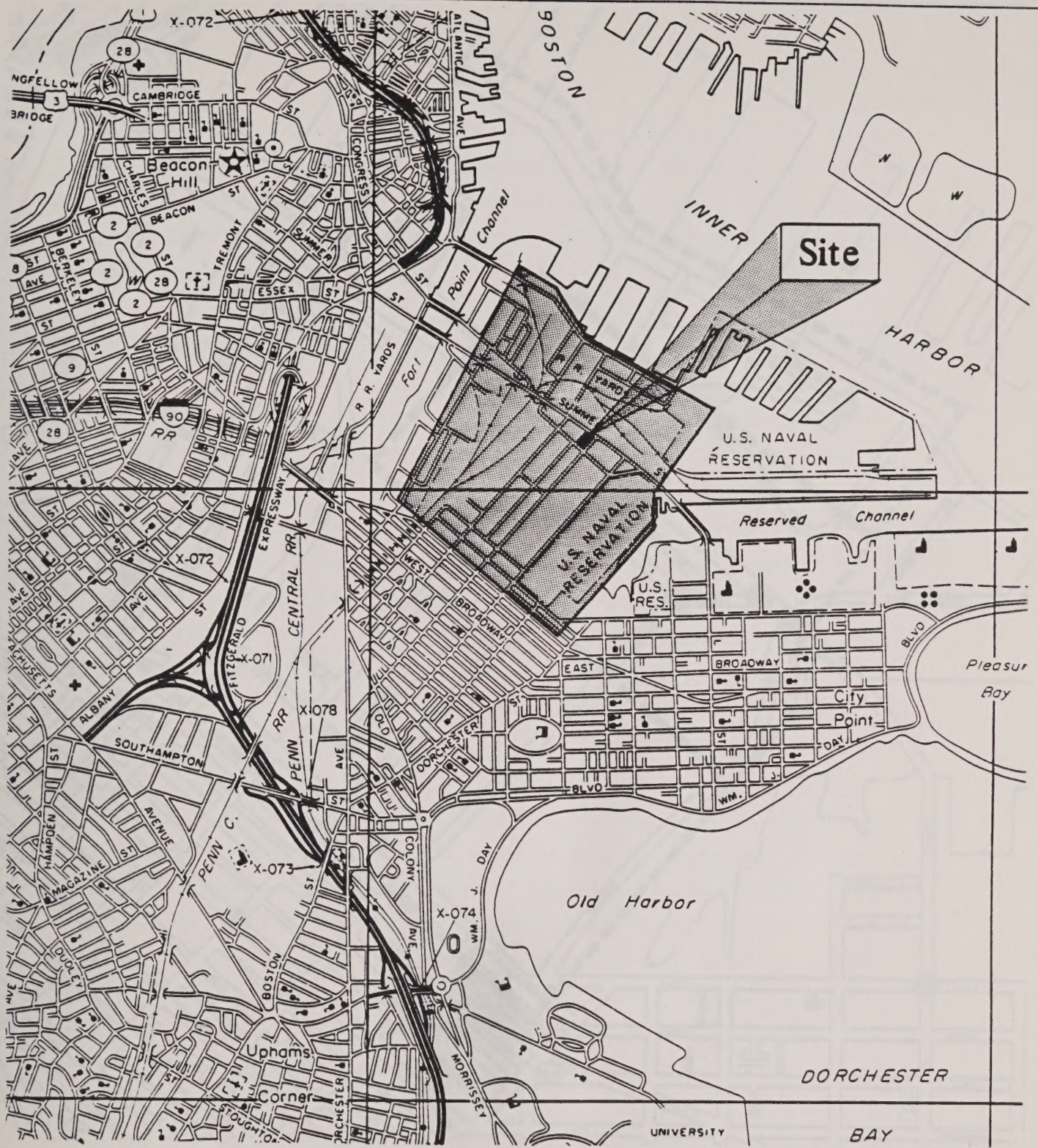
TABLE 1
435 SUMMER STREET DEVELOPMENT PROGRAM

Use	Size (square feet)
Office	173,100
Retail	7,000
Total	180,100
Parking spaces (below grade)	436

STUDY AREA

Figure 1 shows the relationship of the site and the study area to the rest of South Boston, downtown and the regional highway system. The study area defined for this project consists of a two-tiered area: an inner project analysis area, and a larger parking analysis area, both of which are shown in Figure 2. The inner area includes eight intersections within a perimeter bounded by the Massport Haul Road to the north; mid-block between Fargo Street and Claflin Street to the south; the former railroad bridge on Summer Street to the west; and Dry Dock/Pappas Way to the east. Two additional study intersections, L Street/East First Street and West Broadway/D Street, lay outside this defined area.

The larger parking analysis area is bounded by Northern Avenue to the north; West First Street to the south; A Street to the east; and Dry Dock/Pappas Way to the west. This parking analysis area includes approximately 150 block faces associated with on-street supply and 30 off-street lots.



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South Boston Study Area

LEGEND:

 Study Area



Fig. 1

Three MBTA bus routes stop within one block of the site. These local routes serve residential areas of South Boston and provide connections to four commuter rail lines, four rapid transit lines, and more than twenty suburban express bus routes in downtown Boston.

STUDY METHODOLOGY

The transportation study was conducted in three phases. Phase I involved an inventory of existing traffic and parking conditions and travel demand characteristics in the area. The inventory included researching previous transportation reports as well as conducting extensive new observations. Traffic volume counts were conducted during the morning and evening peak periods at key intersections serving the site. To determine travel characteristics within the study area, an employee transportation survey was conducted. In addition, local bus performance and ridership were assessed.

Phase II of the study built upon the data base in Phase I and established the framework for evaluating the transportation impacts of the proposed project. In this phase, travel demand forecast were made for the project along with forecasted demands created by other future area developments approved or under construction. Estimates were made for all transportation modes. An analysis year of 1989 was established based on projected occupancy of the proposed development.

Phase III, the final study phase, included evaluation of the impacts of the project on the transportation and pedestrian system and identification of measures to mitigate any adverse impacts. Included within this effort was the development of an Access Plan for the 435 Summer Street development.

EXISTING CONDITIONS

ROADWAY NETWORK

Roadways in the area which will provide access to the immediate site include Summer Street, D Street and Fargo Street. Access to and from the regional highway system is mainly provided by Summer Street, Congress Street, Northern Avenue, D Street, and L Street. The following provides a brief summary of roadway characteristics:

● Summer Street

Summer Street is a four-lane, two-way divided roadway running in an east-west direction connecting Downtown Boston and South Station with the industrial and residential areas of South Boston. Summer Street functions both as a major commuter route and as a collector/distributor of South Boston traffic, providing access to the abutting industrial uses and to Downtown Boston. Metered parking and several bus stops are located along sections of the street. South of the Reserved Channel in South Boston, Summer Street becomes L Street.

● L Street

L Street functions as a local arterial for South Boston, but also carries regional commuter traffic during peak hours. The southern residential end of the L Street corridor is characterized by curb parking on both sides, pedestrian activity, and narrow lanes.

- Northern Avenue

This roadway is the most northerly key connector between Downtown and South Boston. It is used as access to the commercial properties lining both sides of the road, including large commuter parking areas, as a commuter bypass route during peak hours, as one of the access routes to the Boston Marine Industrial Park at its easterly end. Part of the route has been recently improved, with the remainder scheduled for reconstruction within the next few years. This includes realignment at the west end and a new bridge over the Fort Point Channel.

- Congress Street

Congress Street in the vicinity of the site is a two-lane, bi-directional roadway running in an east-west direction from Downtown Boston to B Street in South Boston. Congress Street functions primarily as a local street serving adjacent land uses (including commuter parking lots) in the area. Metered and unmetered parking is permitted in some sections along both sides of the street.

- Viaduct Street

Viaduct Street is a two-lane, two-way roadway on a structure over Commonwealth Flats running in a north-south direction from Commonwealth Pier Five to Summer Street. Viaduct Street primarily serves as a major access drive to the World Trade Center and as a connector route between Summer Street and Northern Avenue via Ramp Street and D Street Extension. Parking is prohibited along both sides of Viaduct Street.

● B Street

B Street is a two-lane, two-way roadway running in a north-south direction from Northern Avenue to Fargo Street. B Street functions primarily as a local street serving adjacent land uses in the area, such as the fishing industry. Parking is permitted in some areas along both sides of the street.

● C Street

C Street is a two-lane, bi-directional roadway running in a north-south direction from the Massport Haul Road to West Broadway. C Street functions as a local street accommodating such adjacent uses as light industry and warehouses. Parking is permitted along both sides of C Street in some sections.

● D Street

D Street is a two-lane, bi-directional, north-south roadway which connects Summer Street with West Broadway, Old Colony Avenue and Dorchester Avenue. This roadway functions as a local connector providing access to the industrial and commercial development along the roadway's northern and southern ends. In the vicinity of West Broadway, the roadway features a mix of residential and commercial activity and passes the City's D Street public housing development. Parking is allowed only on the east side of the roadway, but some illegal parking regularly takes place on the west side.

- E Street

E Street is a two-lane, two-way street running in a north-south direction from Fargo Street to Old Colony Avenue. This roadway, like D Street, functions as a local connector providing access from the residential areas along the roadways southern end to the commercial and industrial activity within the study area at the roadways northern terminus. Parking is permitted in some sections along both sides of the street.

- Fargo Street

Fargo Street is a two-way, two-lane roadway running in an east-west direction from B Street to Summer Street. This street is a local connector serving the adjacent industrial and commercial uses. Parking is permitted in some areas along both sides of the street.

- Pappas Way

Pappas Way is a two-lane, two-way street running in a north-south direction from Summer Street to West First Street. This street functions mainly as a local roadway serving the commercial and industrial uses on the western side of the street. The Reserved Channel and a small park are located on the eastern side of Pappas Way.

- Dry Dock Street

Dry Dock Street, a two-lane, bi-directional roadway, runs in an east-west direction from Summer Street into the Boston Marine Industrial Park. This street primarily functions as the main entrance and major access drive for the industrial park.

PROPOSED NEW TRUCK ROUTE

Substantial truck traffic is generated by the commercial and industrial businesses within South Boston. After several community meetings, the City of Boston has recently begun implementation of changes to the existing truck routings, with the objective of further removing truck traffic from near the residential neighborhood, particularly along West First Street. Figure 3 shows the existing and new truck routes and the proposed site development. Due to the site's location along the new route, additional new traffic will be generated at study area intersections analyzed in this reports. Both the Build and No-Build Conditions, include estimates of the additional truck traffic which will be diverted to the new truck route.

PLANNED ROADWAY IMPROVEMENTS

Several roadway and bridge improvement projects planned to be implemented in the relatively near future in or adjacent to South Boston will have significant effects on travel paths and traffic volumes. Among these proposed improvements, which are summarized in Figure 4, are the following (also included are the latest projected completion dates): the depression of the Central Artery (1995-1996), construction of the Seaport Access Road, local connecting roadways, and the Third Harbor Tunnel (1994), building of the South Boston Construction Bypass Road (1989); the construction and realignment of a number of local streets, including Northern Avenue (1990-1993); and the repair or replacement of several bridges, including the Northern Avenue (1990-1991), Summer Street (1990), Congress Street (1990), Broadway (late 1987), and West Fourth Street (after Broadway Bridge) Bridges over the Fort Point Channel. Other bridges slated for improvements include the Summer Street bridges over A,



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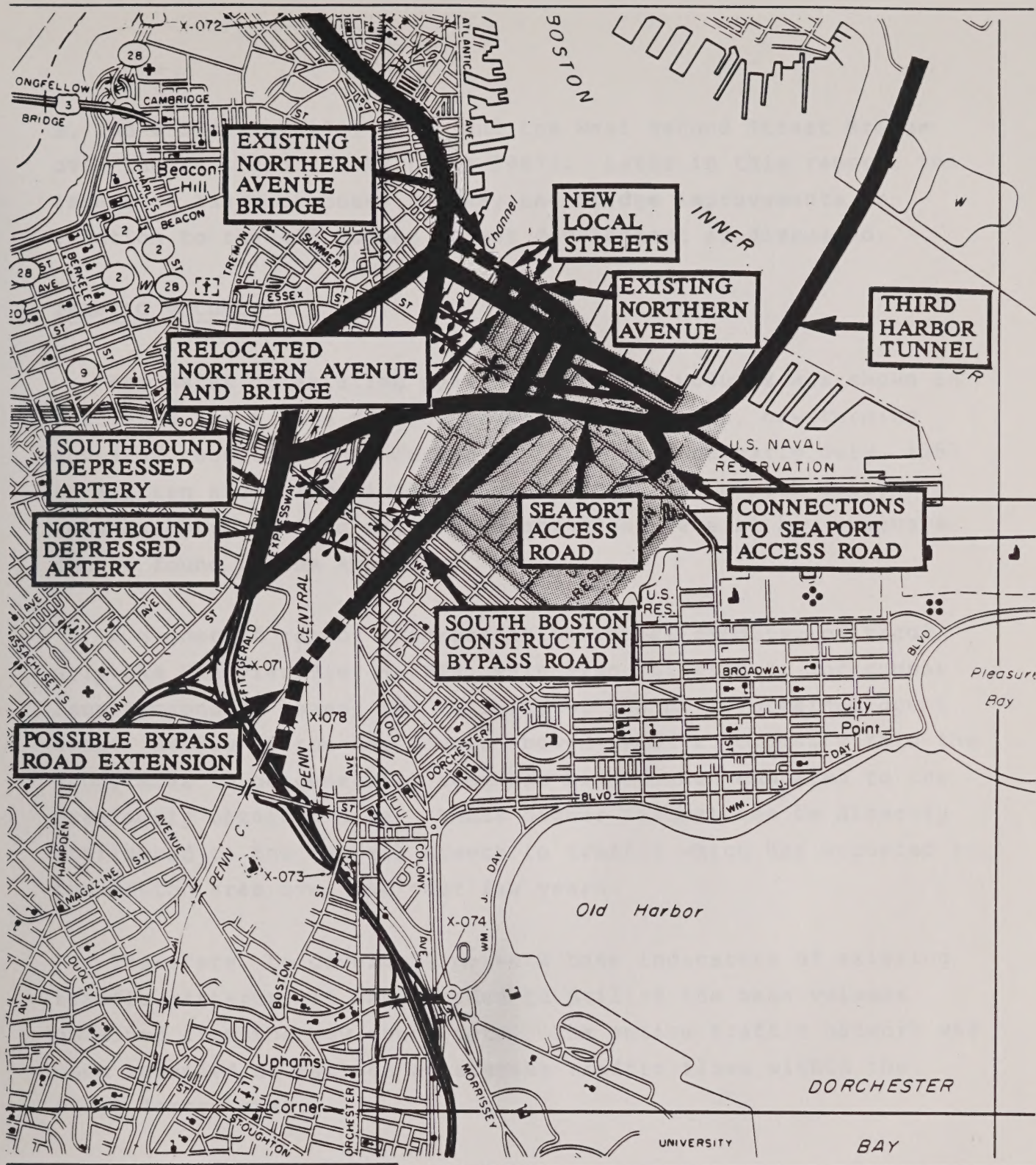
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LEGEND:

- Existing Truck Route
- ◆◆◆ New Truck Route (1987 Implementation)

Fig. 3

Proposed
Truck Route



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Planned Roadway & Bridge Improvements

LEGEND:

- STUDY AREA
- BRIDGE
- RECONSTRUCTION

 Fig. 4

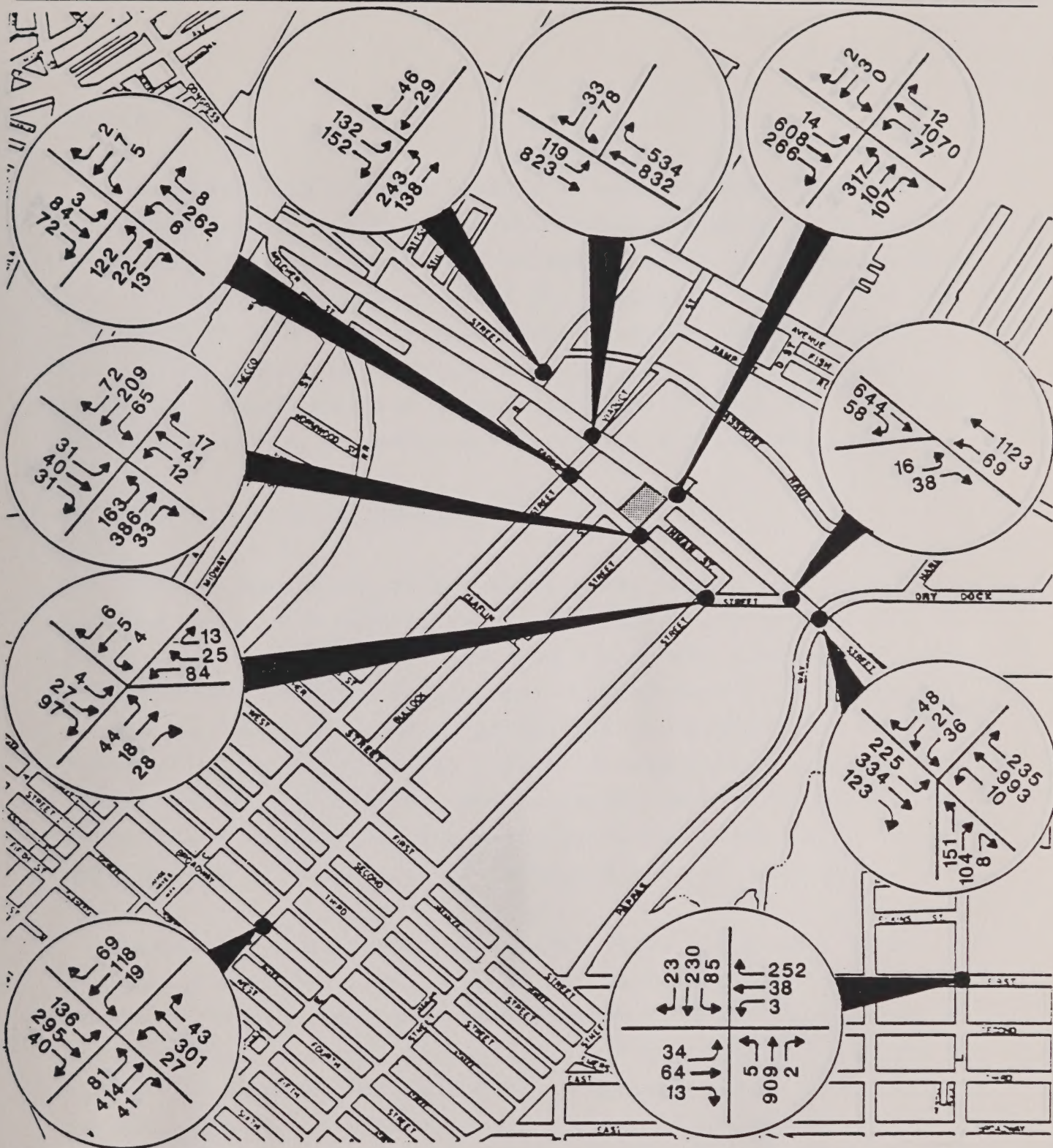
B, and C Streets (1989-1990) and the West Second Street Bridge over the railroad tracks (late 1987). Later in this report, the impact of these proposed roadway and bridge improvements in relation to the 435 Summer Street development is discussed.

TRAFFIC VOLUMES

Estimates of existing peak hour traffic volumes are shown in Figures 5 and 6. To develop these base networks, new turning movement counts were conducted in late June and early July, 1987 at all ten study locations. These counts, along with daily volumes obtained from machine counts along several key roadways, can be found in the Appendix.

A number of recent transportation impact reports, particularly the Fan Pier/Pier 4 FEIR, were also referred to for comparison reasons to assess the validity of the newly-obtained count data. Review of the new counts showed traffic volumes within the study area to be generally somewhat higher when compared to the previously obtained data. These higher volumes can be directly attributed to the overall growth in traffic which has occurred in the Boston area over the past few years.

Therefore, to develop a network base indicative of existing traffic patterns, it was decided to utilize the base volumes obtained from the new count data. The entire traffic network was then balanced to reflect consistent traffic flows within the South Boston area.

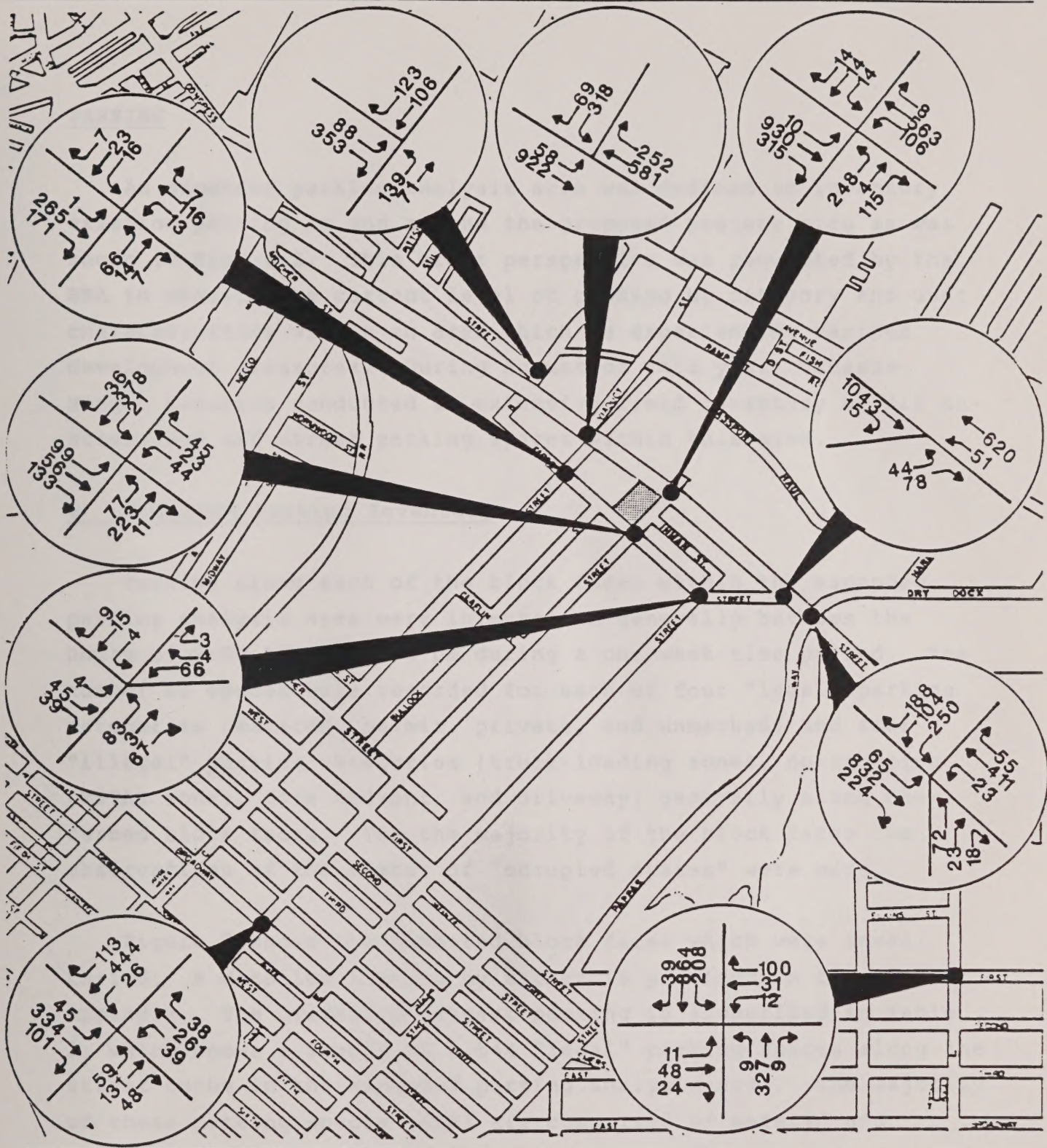


Existing
A.M. Peak Hour
Traffic Volumes

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Fig. 5



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Fig. 6

Existing
P.M. Peak Hour
Traffic Volumes

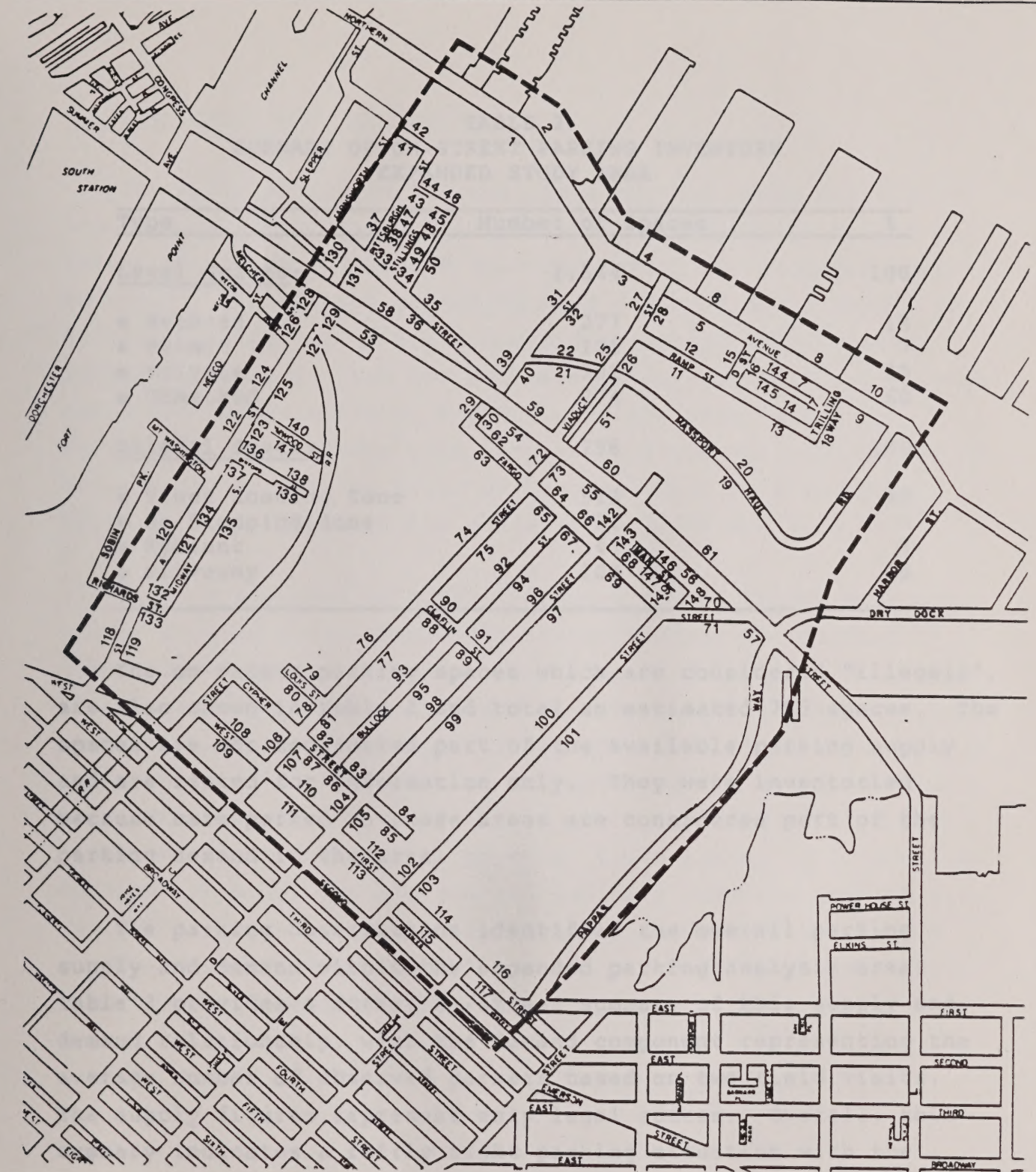
PARKING

An expanded parking analysis area was defined to inventory existing parking in and around the proposed project site as was shown in Figure 2. This wider perspective was requested by the BRA to clarify the current level of parking by category and user characteristics within an area which is experiencing various development pressures. During August of this year, Vanasse Hangen Brustlin conducted an extensive field inventory of all on-street and off-street parking spaces within this area.

● On-Street Parking Inventory

Parking along each of the block faces within the expanded parking analysis area were inventoried generally between the hours of 9:00 AM and 4:00 pm during a one-week time period. The number of spaces were recorded for each of four "legal" parking categories (metered, permit, private, and unmarked) and four "illegal" parking categories (truck-loading zones, no-stopping (MBTA) zones, fire hydrant, and driveway) generally along non-curbed block faces. For the majority of the block faces two observations of the number of "occupied spaces" were made.

Figure 7 shows the numbered block faces which were inventoried. A detailed listing by street is provided in the Appendix. The overall on-street parking is summarized in Table 2, which shows a supply of 1,544 "legal" parking spaces along the street curbs in the expanded parking analysis area. The majority of these parking spaces (68%) are comprised of metered and unmarked spaces, available for public use. The remainder consists of permit (7%) and private (25%) spaces, mostly supporting adjacent commercial business activities.



On-Street Parking Inventory Expanded Study Area

LEGEND:

- No. = Reference Number for On-Street Parking Blocks (Listing in Appendix)
- Parking Analysis Area

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Fig. 7

TABLE 2
SUMMARY OF ON-STREET PARKING INVENTORY
EXPANDED STUDY AREA

Type	Number of Spaces	%
<u>Legal Spaces:</u>	1,544	100
• Metered	277	18
• Permit	101	7
• Private	392	25
• Unmarked	774	50
<u>Illegal Spaces:</u>	796	100
• Truck Loading Zone	513	65
• No-Stopping Zone	32	4
• Hydrant	43	5
• Driveway	208	26

The on-street parking spaces which are considered "illegals", are also shown in Table 2 and total an estimated 796 spaces. The spaces are not considered part of the available parking supply and are listed for information only. They were inventoried because cars parked in these areas are considered part of the parking demand in the area.

The parking observations identified the overall parking supply and demand within the expanded parking analysis area. Table 3 provides a street-by-street summary of this supply and demand relationship, with the demand component representing the average number of observed parkers based on two field visits. The supply figures represent only legal spaces. Overall, this summary indicates a fairly tight parking situation with the existing supply of 1,544 on-street spaces being utilized by 1,489 parkers. The listing in the Appendix itemizes this comparison for all block faces individually.

● Off-Street Parking Inventory

The field survey of all available parking areas not within the roadway right-of-way followed similar procedures as the on-street inventory. Recorded were the actual or estimated number of spaces, the control mechanism used (type of lot), number of spaces occupied, pertinent signage designating restrictions, adjacent land uses, and the estimated distribution of the spaces among short-term parkers, employees of the area, commuters working in the Downtown area, and vehicle storage. Inventory of the off-street parking areas was accomplished on several weekdays, generally between the hours of 10:00 AM and 4:00 PM.

Table 4 provides an overall summary of the twenty-nine off-street parking areas comprising the inventory, categorized by type. The Appendix includes a more detailed listing of information on each lot inventoried and is referenced to Figure 8, which shows the location of each facility. The total parking supply in these lots is 7,649 spaces, as estimated by the field surveyors. The estimated allocation of these spaces includes 1,215 spaces (16%) for short-term public parking, 5,470 spaces (71%) for area employee parking, and 964 spaces (13%) for commuter parking for employees generally working in Downtown Boston. Based on one weekday field observation, 61 percent of these spaces were occupied during the midday period.

TABLE 3
ON-STREET PARKING SUPPLY/DEMAND SUMMARY

Street	Map Numbered Block Faces	Supply*	Demand**
A Street	118-131	69	116
B Street	29-32,39,40	82	66
Binford Street	137-139	25	25
Bullock Street	92-95	96	76
C Street	51,72-78,81,106,107	143	136
Calvin Place	43-46	5	13
Claflin Street	88-91	4	21
Congress Street	33-36	47	92
Cypher Street	82-87	13	16
D Street	15,16,96,99,104,105,142,143	110	127
E Street	100-103	95	77
Fargo Street	62-71	48	74
Fish Pier Street	144-145	31	33
Massport Haul Road	19-22	20	10
Inman Street	146-149	22	34
Louis Street	79-80	9	10
Midway Street	134,135	73	73
Northern Avenue	1-10	188	104
Pittsburgh Street	37,38	56	56
Ramp Street	11-14	16	4
Richards Street	132-134	10	2
Stillings Street	47,48	17	24
Summer Street	53-61	193	168
Trilling Way	17,18	30	27
Viaduct Street	25-28	0	0
West First Street	108-117	25	23
Wormwood Street	140,141	3	8
(Unnamed)	41,42,49,50	120	74
TOTAL		1,544	1,489

* Supply includes all legal metered, permit, private, and unmarked spaces.

** Demand represents the observed number of legal and illegal occupied spaces based on the average of two field observations.



Off-Street Parking Inventory Expanded Study Area

LEGEND:

- (N) - Reference Number for On-Street Parking Blocks (Listing in Appendix)
- Parking Analysis Area

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Fig. 8

TABLE 4
OFF-STREET PARKING INVENTORY

Type/ Control	Lots	Spaces	Utili- zation*	Users**		
				Short- Term	Area Employees	Downtown Commuters
Attendant	10	5,104	3,471	615	3,525	964
Computer Card/Gate	4	1,000	417	550	450	0
None	15	1,545	847	50	1,495	0
TOTAL	29	7,649	4,681	1,215	5,470	964
PERCENT		100	61	16	71	13

* Number of spaces occupied based on weekday field observation.

** Distribution to users is estimated in some cases.

● Overall Parking Supply

Table 5 summarizes the overall parking supply within the expanded parking analysis area. The combination of on-street parking and off-street parking totals approximately 9,193 spaces of which one-fourth (2,266) are available for short-term parking. The majority of the available supply is allocated to private or monthly-purchased employee and commuter parking uses, and represents a variety of private ownership.

PEDESTRIANS

Qualitative observations of pedestrian crossing and sidewalk volumes were conducted in the project area during August, 1987. These observations concentrated on the pedestrian volumes found along Summer Street between Viaduct Street and D Street, since

the proposed location of the 435 Summer Street development's main entrance is to be located along this block. Also located along this block are the main entrances to 425 Summer Street, another building with similar uses, which has been rehabilitated by Pappas Management.

TABLE 5
OVERALL PARKING SUPPLY
IN EXPANDED STUDY AREA

Type of Parking	No. of Spaces	No. Of Short-Term Spaces
On-Street	1,544	1,051*
Off-Street	<u>7,649</u>	<u>1,215**</u>
TOTAL	9,193	2,266
PERCENT	(100)	(25)

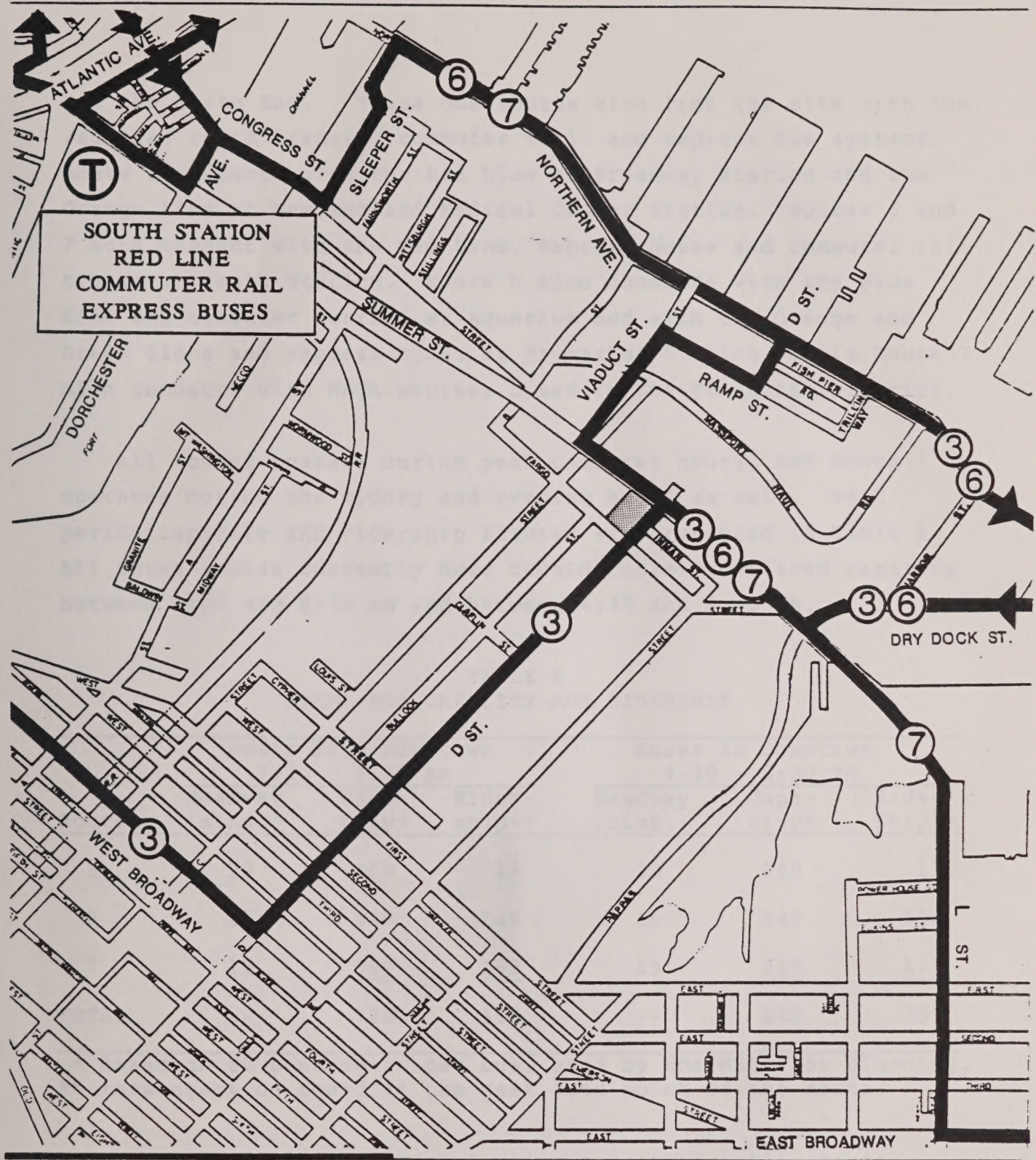
* All public (excludes "permit" and "private" spaces).

** 665 public (excludes "computer card" spaces)

Pedestrian volumes were observed to be light in both peak periods, especially in the evening. Most pedestrians were oriented to either the bus stop located on the northeast corner of the Summer Street/D Street intersection or the Barnes Building adjacent to the site across D Street. Sidewalks adjacent to the site are also wide, unobstructed, and in relatively good condition. No existing problems concerning pedestrian flows were observed along sidewalks or in crosswalks in proximity to the site.

PUBLIC TRANSPORTATION SYSTEM

The project site is served by three MBTA bus routes, as shown in Figure 9. All routes stop within one block of the site. Routes 3 and 7 provide direct service to the residential areas of South Boston, while Route 6 provides service to Downtown Boston



Existing Local Bus Service

ROUTES:

- ③ Chinatown-Army Base
Via Broadway
- ⑥ Haymarket-Army Base
Via South Station
- ⑦ Downtown-City Point
Via South Station

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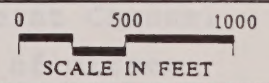


 Fig. 9

and the North End. These bus routes also link the site with the regional rapid transit, commuter rail, and express bus systems. Route 3 connects with the Red Line at Broadway Station and the Orange Line at New England Medical Center Station. Routes 6 and 7 both connect with the Red Line, express buses and commuter rail trains at South Station. Route 6 also connects with the Blue Line and commuter ferries at Aquarium and with the Orange and Green Lines and express buses at Haymarket Station, while Route 7 also connects with MBTA express buses in the Financial District.

All routes operate during peak commuter hours, and Route 7 operates during the midday and evening hours as well. Peak period capacity and ridership figures are presented in Table 6. All three routes currently have considerable unutilized capacity between 7:30 and 8:30 AM and between 4:30 and 5:30 PM.

TABLE 6
LOCAL BUS CAPACITY AND RIDERSHIP

Route	Buses from Downtown 7:30 - 8:30 AM			Buses to Downtown 4:30 - 5:30 PM		
	Headway (mins.)	Capa- city*	Rider- ship**	Headway (mins.)	Capa- city*	Rider- ship**
3	20	180	14	22	160	13
6	15	240	148	15	240	134
7	12	<u>300</u>	<u>152</u>	15	<u>240</u>	<u>110</u>
TOTAL	--	720	314	--	640	257

* Based on 60 passengers per bus, used by the MBTA for planning.

** Passengers on board at the peak load point of the route.

The MBTA is currently evaluating potential public transportation improvements for the study area. In the short run (1990-1995), the Summer Street bridge over the Fort Point Channel is scheduled to be repaired, allowing the restoration of direct bus service along Summer Street between the project site and

South Station. The creation of new bus routes between downtown and South Boston is also likely as a result of other development activity in the area, perhaps accompanied by designation of new exclusive bus lanes to/from downtown. Improved connections between the project site and the regional transit system may well result from these improvements.

In the longer term (1996-1999), the MBTA may divert the Red Line into the study area, with a new station located within one-half mile of the project site. This would improve the site's accessibility, particularly for communities served by the Red Line. Alternatively, the MBTA may construct a "people mover" along Northern Avenue between Viaduct Street and Downtown Boston, with a station approximately one-third mile from the project site. These options are currently undergoing investigation by the MBTA.

EMPLOYEE TRAVEL CHARACTERISTICS SURVEY

To obtain information concerning travel characteristics within the 435 Summer Street study area, Vanasse Hangen Brustlin conducted an employee transportation survey at the businesses located at 425 Summer Street and 440/450 Summer Street. 425 Summer Street is located adjacent to the proposed 435 Summer Street development, and 440/450 Summer Street is located across the street from the site. Both buildings are controlled by Pappas Management.

Survey forms, a copy of which can be found in the Appendix, were distributed to all Pappas tenants. Out of a total of 301 employees, 245 surveys were completed and sent back, a return of over 80 percent.

PROBABLE PROJECT IMPACTS

Traffic impacts of the proposed project development will be derived from the traffic generated by the site minus any existing traffic generated from current uses being replaced or located. In the case of the proposed development, the site plan includes construction of a new office and retail building on a vacant lot. Therefore, the new traffic estimated to be generated by the proposed site plan would include new transportation demand for the area. Growth or decline in background traffic is also considered in the analysis, and is of paramount importance in this assessment due to the proximity of the soon-to-be abandoned 440/450 Summer Street Building and the recently-renovated 425 Summer Street Building. Both of these buildings are considered in the analysis of net change in Build and No-Build conditions and are discussed in the subsequent section on "New Additional Peak Hour Trips".

DAILY TRIP GENERATION

To assess the impact of the project on the transportation system in the site area, travel demand by type of use and user has been estimated. The procedures used in estimating these trips consisted of calculating person-trips per 1,000 square feet of floor space. Trip rates and modal splits have been categorized as office versus retail and work versus non-work. Actual rates used for the proposed site development are identical to those used in several recent nearby downtown environmental assessment reports, whereas those for the adjacent 425 Summer Street background project were assumed to be the same as measured in the employee travel survey. The rationale is that 425 Summer Street will largely be occupied by the same tenants as at 440/450

Summer Street. The new building at 435 Summer Street will more likely have downtown-type tenants and trip rates which are higher than measured in the survey. It was felt that applying the lower survey rates to the 435 Summer Street project could underestimate trip generation.

The development program analyzed for the project calls for 173,100 square feet of office space and 7,000 square feet of retail space. Tables 7 and 8 summarize the daily trip rates and modal splits assumed in the analysis and the resultant person-trips based on the development plan analyzed.

Modal split factors for work trips used in these calculations are based on the employee transportation survey. Non-worker modal splits are assumed to be similar to the worker rates although slightly adjusted toward a more conservative higher auto share.

TABLE 7
TOTAL DAILY PERSON-TRIPS

User	Office			Retail		
	In	Out	Total	In	Out	Total
<u>Generation Rates*</u>						
Worker	4.40	4.40	8.80	2.75	2.75	5.50
Non-Worker	<u>2.35</u>	<u>2.35</u>	<u>4.70</u>	<u>16.40</u>	<u>16.40</u>	<u>32.80</u>
Total	6.75	6.75	13.50	19.15	19.15	38.30
<u>Generated Trips**</u>						
Worker	762	762	1,524	19	19	38
Non-Worker	<u>407</u>	<u>407</u>	<u>814</u>	<u>115</u>	<u>115</u>	<u>230</u>
Total	1169	1169	2338	134	134	268

* Person trips per 1,000 square feet

** Total trips per day

TABLE 8
DAILY PERSON-TRIPS BY MODE

User	Office			Retail		
	Auto	Transit	Walk	Auto	Transit	Walk
<u>Percentages</u>						
Worker	75.0	23.0	2.0	80.0	20.0	0.0
Non-Worker	80.0	18.0	2.0	65.0	20.0	15.0
<u>Daily Person-Trips</u>						
Worker	1,142	350	30	31	8	0
Non-Worker	651	146	16	149	46	34

Table 9 summarizes the vehicle occupancy rates assumed for those trips arriving by auto. Occupants surveyed at the 440/450 Summer Street building were found to have an overall vehicle occupancy rate (1.30) slightly lower than that estimated for workers in the proposed building. This higher rate is representative of a more intensive site use and an increasingly tighter parking supply situation under the Build and No-Build conditions.

TABLE 9
VEHICLE OCCUPANCY RATES

Trip Purpose	Use	
	Office	Retail
Work	1.5	1.2
Non-Work	1.2	1.5

Applying the occupancy rates given in Table 9 to the person-trips arriving by auto projected in Table 8 results in the total estimate of 1,430 daily vehicle-trips found in Table 10. These are distributed equally to inbound and outbound trips (715 each way), and include trips made by employees, visitors, taxis, and delivery vehicles.

TABLE 10
DAILY VEHICLE-TRIPS*

Trip Purpose	Use		Total
	Office	Retail	
Work	762	26	788
Non-Work	<u>542</u>	<u>100</u>	<u>642</u>
Total	1,304	126	1,430

* In plus out.

PEAK HOUR TRIP GENERATION

The number of trips occurring during the peak commuter hours are of greater concern than the total daily trips. It is these peak periods which represent the highest level of traffic congestion and are used to evaluate the performance of the transportation system. The peak hour percentages shown in Table 11 were applied to one-half (to reflect directional travel) of the daily trips in Table 8 (for transit and walk trips) and Table 10 (for vehicle-trips) to obtain the results shown in Table 12. A total of 237 inbound vehicle-trips are projected for the morning peak hour, while 244 outbound vehicle-trips are projected for the evening peak. Off-peak direction vehicle-trips, not shown in Table 12, number 7 outbound trips during the AM peak and 17 inbound trips during the PM peak.

NEW ADDITIONAL PEAK HOUR TRIPS AT 425 SUMMER STREET

The peak hour trips projected in Table 12 represent the total number of trips estimated to be generated by the project when it is fully developed as proposed. Growth or decline in background traffic, which is presented in a subsequent section, will also contribute to both the No-Build and the Build analysis conditions. However, due to the close proximity of the recently-renovated 425 Summer Street building and the 440/450 Summer Street across the street, which is to be abandoned to allow construction of the Seaport Access Road, it is important in the analysis to identify trips which are part of the existing traffic volumes but which are simply shifting from one site to another, any new trips related to the 425 Summer Street renovation, and any existing traffic which will be "lost" as a result of the closure of the 440/450 Summer Street site. Table 13 summarizes the net new trips from these related developments.

TABLE 11
PERCENTAGES OF DAILY TRIPS
DURING PEAK HOURS BY TYPE AND DIRECTION*

	Work		Non-Work	
	AM	PM	AM	PM
<u>Office</u>				
Arrivals	55%	2%	10%	2%
Departures	1%	55%	1%	10%
<u>Retail</u>				
Arrivals	10%	10%	1%	5%
Departures	1%	20%	1%	10%

* From Fan Pier/Pier 4 EIR

TABLE 12
TOTAL PROJECT PEAK HOUR TRIPS BY MODE
(PEAK DIRECTION)

	AM Inbound			PM Outbound		
	Auto*	Transit**	Walk	Auto*	Transit**	Walk
<u>Office</u>						
Work	209	96	8	209	96	8
Non-Work	27	7	1	27	7	1
<u>Retail</u>						
Work	1	0	0	3	1	0
Non-Work	0	0	0	5	2	2
Total	237	103	9	244	106	11

* Vehicle trips

** Person trips on all forms of public transportation

TABLE 13
NET NEW PEAK HOUR TRIPS AT 425 SUMMER STREET

	Estimated Trips Generated by 425 Summer Street at Full Occupancy	Existing Trips Generated by 440/450 Summer Street (Lost or Shifted to 425 Summer Street)	Net Increase/ Decrease in Trips at 425 Summer Street
AM In:	236	(-177)	+59
AM Out:	7	(- 20)	(-38)
PM In:	17	(- 56)	(-39)
PM Out:	243	(-122)	+121

Traffic generation for the 425 Summer Street site was estimated using the same procedure described above for the proposed 435 Summer Street project. Industrial and warehousing uses will be part of the traffic lost as a result of the closure of 440/450 Summer Street. In addition, office employment will be moved to the 425 Summer Street building and is subtracted from the trip generation to calculate the net new traffic. The result of these calculations includes 59 new AM inbound trips and 121 new PM outbound trips added to the Build and No-Build conditions as background traffic from 425 Summer Street. Non-Peak directional flow actually will decrease because these changes, with a net loss of 38 AM outbound trips and 39 PM inbound trips, primarily as a result of the removal of the existing industrial/warehouse uses.

DELIVERY VEHICLE AND TAXI TRIPS

A certain amount of the total daily vehicle generation summarized previously in Table 14 will consist of taxi and delivery vehicle-trips. Table 15 summarizes expected delivery vehicle traffic for the project's office and retail uses.

TABLE 14
ESTIMATED DAILY DELIVERY VEHICLE ARRIVALS

	Office	Retail	Total
Generation Rates	0.21 Arrivals/ 1,000 square feet	0.21 Arrivals/ 1,000 square feet*	
1989 Build Condition	36	2	38

* Based on Copley Place EIR.

Under the 1989 Build condition, approximately 38 deliveries are expected to occur daily at the proposed development. The distribution of these over a nine-hour work day will be fairly even at approximately four per hour. If it is further assumed that each delivery vehicle arrives and departs within the same hour, then a maximum of eight delivery vehicle-trips (inbound plus outbound) will occur each hour.

The total increase in taxi traffic is summarized in Table 15. Under 1989 Build conditions, approximately 20 taxi arrivals per day are expected for both office and retail uses at the proposed development.

TABLE 15
ESTIMATED DAILY TAXI ARRIVALS

	Office	Retail	Total
Generation Rates	0.75 Arrivals/ 100 Person-Trips	0.75 Arrivals/ 100 Person-Trips*	
1989 Build Condition	18	2	20

* Based on Highway Research Board, NCHRP Report No. 62, Urban Travel Patterns for Hospitals, Universities, Office Buildings and Capitols, 1969.

TRIP DISTRIBUTION AND ASSIGNMENT

The vehicle-trips generated by the proposed development were distributed to the transportation system according to the trip distribution pattern listed in Table 16. The distribution and assignment patterns utilized in this study were established directly from the results of the employee transportation survey. The origin of all vehicle-trips to both the 425 and 440/450 Summer Street locations was first determined. Then, these vehicle-trips were assigned to the regional highway and local street system and routed to the proposed 435 Summer Street site.

be projected by the application of a generalized growth factor or by the assessment of specific development proposals. For this analysis, the projection of background or No-Build traffic (i.e., future traffic without 435 Summer Street) was based on the assessment of other specific development proposals projected to be completed by 1989, the year when 435 Summer Street is expected to be fully occupied.

Table 17 lists the projects included in the development of the 1989 No-Build networks and the projected uses for each development. When applicable, previous documentation presented in other Environmental Impact Reports and Environmental Assessments was utilized where traffic volumes were available. Where volumes were not available from other sources, the trip generation assumptions described earlier were applied to the projected uses for each identified background development to obtain projected vehicle and transit trips.

All of the trips generated by the South Boston developments were assigned to the network. For the Downtown projects, however, five percent of the trips generated were assigned to routes within the study area, since most of this traffic will use the regional highway system or major arterials paralleling that system.

TABLE 17 (Continued)
1989 BACKGROUND DEVELOPMENT

Development	Size	Use
20 & 21 Custom House	223,000 SF	Office
	17,000 SF	Retail
125 Summer Street	482,000 SF	Office
	13,000 SF	Retail
South Station	75,000 SF	Office
(Phases I & II)	35,000 SF	Retail
		Train Concourse
		Platforms

* SF - Square feet.

** DU - Dwelling unit.

It should be noted, however, that certain percentages of many of the background developments listed in Table 17 were already "on-line" or generating traffic when existing traffic volume data within the study area were being collected in June and July, 1987. Therefore, after consulting with the BRA, Vanasse Hangen Brustlin conservatively determined the percentage of traffic already being generated by each particular project and deducted it from the total trips generated by each development. A summary of daily and peak-hour trip generation data for the percentage of the background development yet to come "on-line", but expected by the 1989 Build year, can be found in the Appendix.

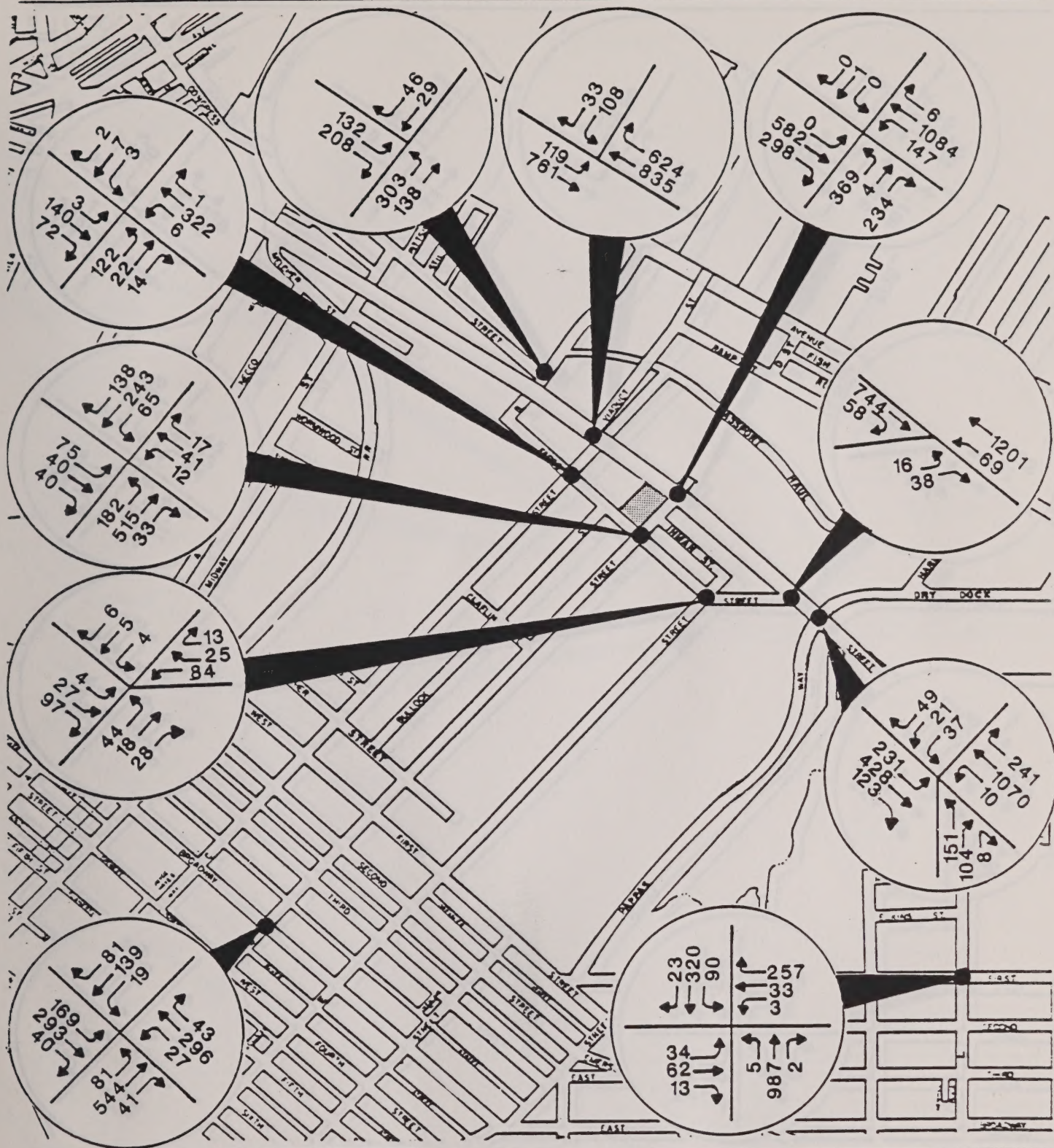
All of the trips generated by the South Boston developments were assigned to the network. For the Downtown projects, however, five percent of new trips generated were assigned to routes within the study area, since most this traffic will use the regional highway system or major arterials paralleling that system.

In addition to assigning vehicle-trips generated by background development to study area roadways, other adjustments were made to the No-Build networks, which are shown in Figures 10 and 11, respectively. Industrial and warehouse generated trips associated with 440/450 Summer Street (the existing Pappas Building, which will either be demolished or at least unoccupied by 1989), were removed from the No-Build networks. Office trips associated with the existing Pappas Building were, as explained in the trip generation section, utilized in determining the net increase in office trips for 425 Summer Street. The last adjustment made to the No-Build networks was the shifting of truck or heavy vehicle volumes to reflect the new South Boston truck route which is currently being implemented. Although the West Second Street bridge, an important link in the new truck route, has been recently closed due to safety problems, this should have a negligible effect on traffic within the 435 Summer Street study area.

The projected traffic from the proposed 435 Summer Street project was added to these 1989 No-Build volumes to obtain the 1989 Build volumes shown in Figures 12 and 13. The No-Build and Build networks, as previously stated, do not include the depression of the Central Artery or the construction of the Seaport Access Road or Third Harbor Tunnel, as these projects will not be completed until well after 1989.

1989 No Build
A.M. Peak Hour
Traffic Volumes

Fig. 10

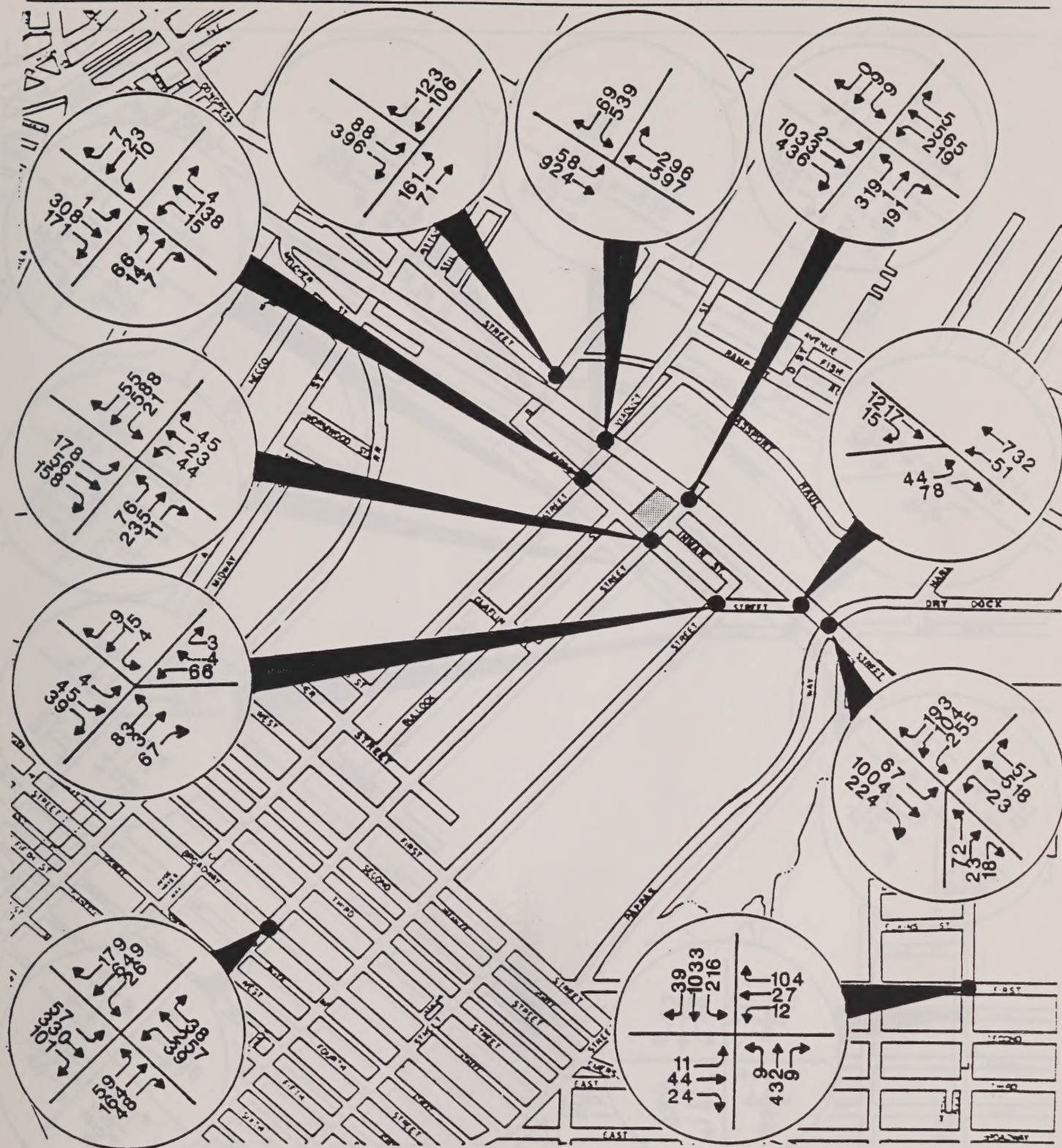


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Consulting Engineers & Planners
60 Birmingham Parkway, Boston, MA 02135

0 500 1000
SCALE IN FEET

Fig. 10

1989 No Build
A.M. Peak Hour
Traffic Volumes

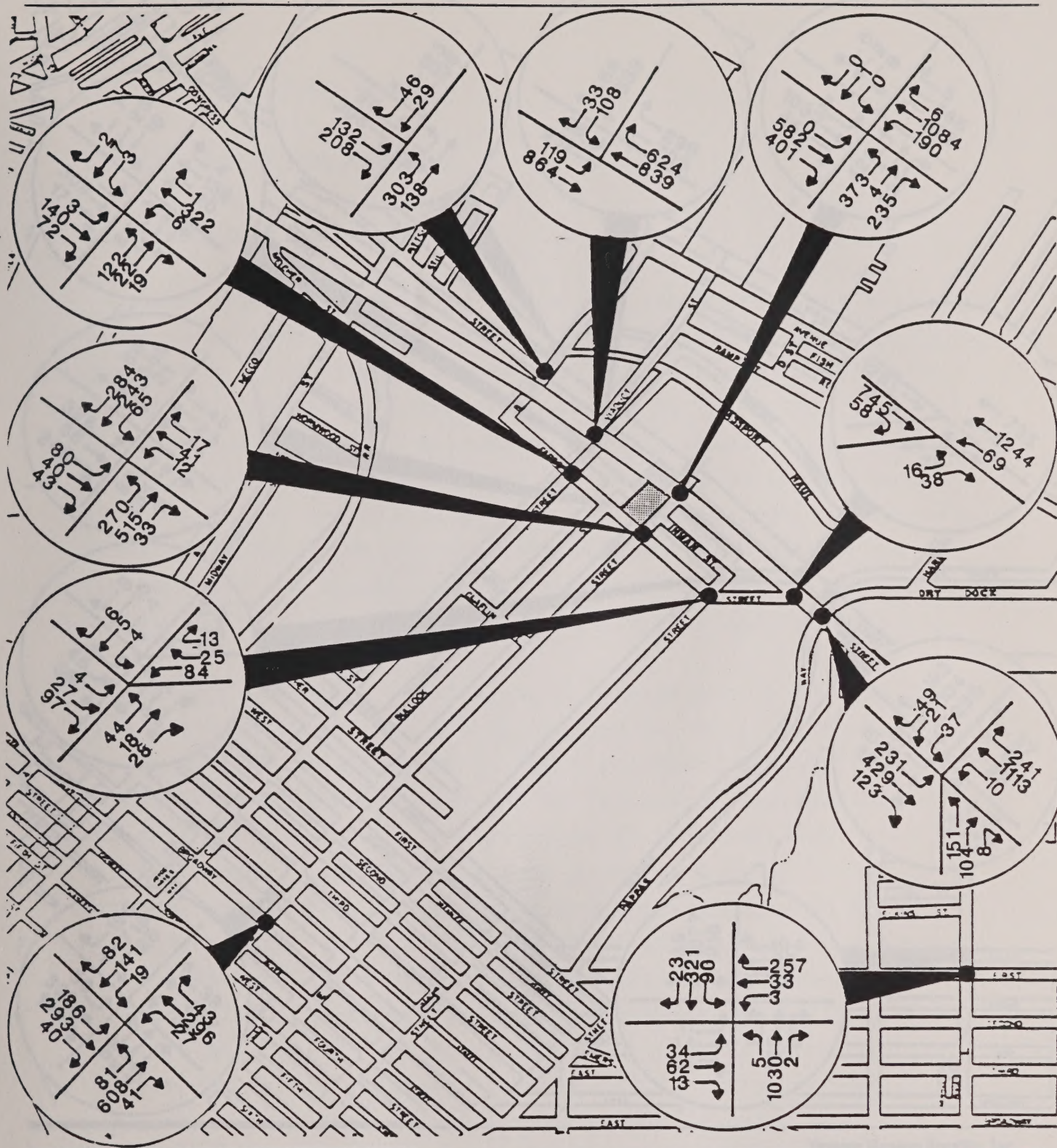


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0 500 1000
SCALE IN FEET

Fig. 11

1989 No Build
P.M. Peak Hour
Traffic Volumes

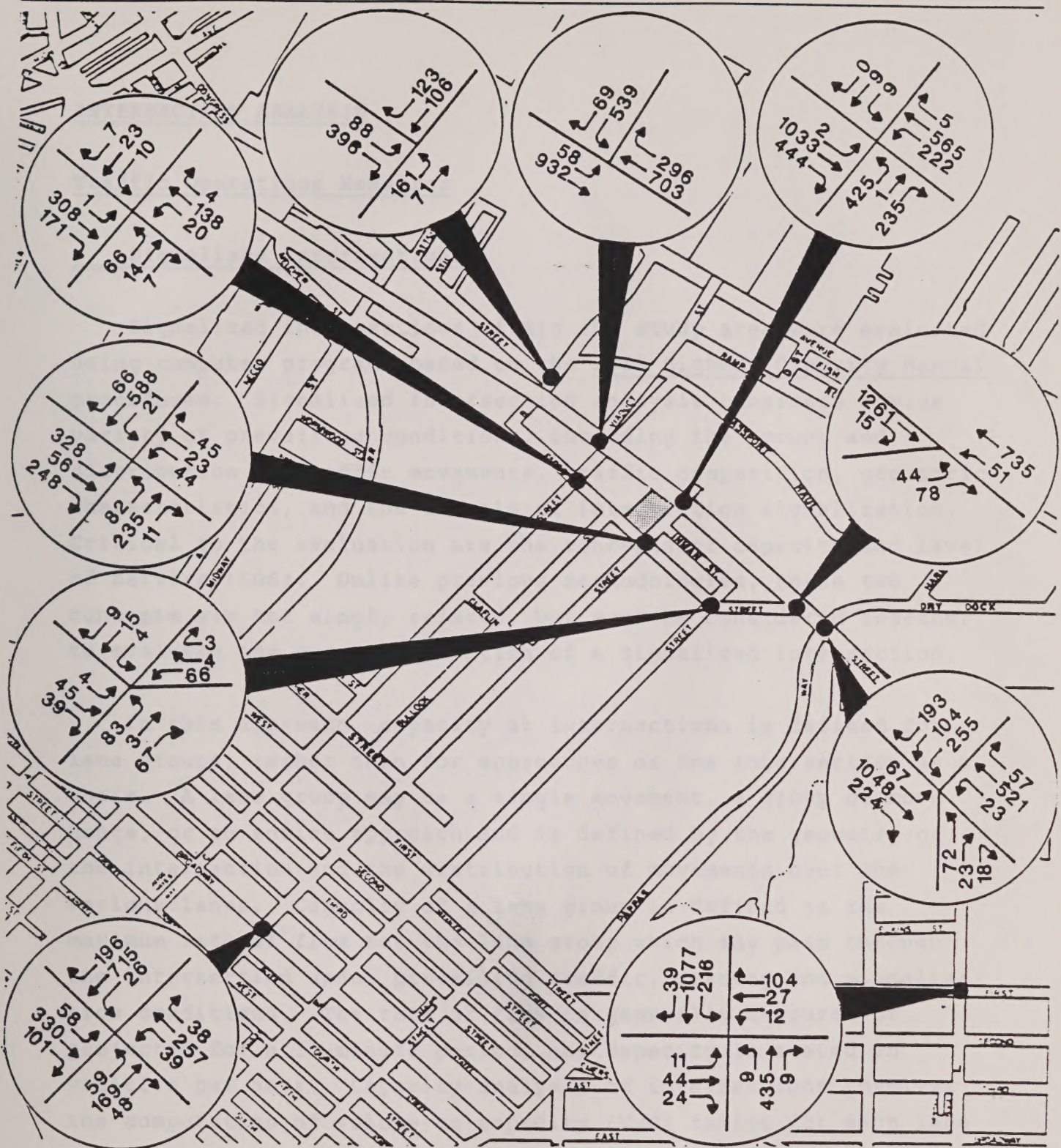


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0 500 1000
 SCALE IN FEET

Fig. 12

1989 Build
 A.M. Peak Hour
 Traffic Volumes



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60 Birmingham Parkway, Boston, MA 02135

0 500 1000
SCALE IN FEET

1989 Build
P.M. Peak Hour
Traffic Volumes

Fig. 13

INTERSECTION ANALYSIS

Traffic Operations Measures

• Signalized Intersections

Signalized intersections within the study area were evaluated using computer programs based on the 1985 Highway Capacity Manual procedures. Signalized intersection analysis considers a wide variety of prevailing conditions, including the amount and distribution of traffic movements, traffic composition, geometric characteristics, and the details of intersection signalization. Critical to the evaluation are the concepts of capacity and level of service (LOS). Unlike previous methodologies, these two concepts are not simply related, but must be considered together to evaluate the overall operation of a signalized intersection.

In this approach, capacity at intersections is defined for lane groups, rather than for approaches or the intersection as a whole. A lane group may be a single movement, a group of movements, or an entire approach and is defined by the geometry of the intersection and the distribution of movements over the various lanes. Capacity of a lane group is defined as the maximum rate of flow for the lane group which may pass through the intersection under prevailing traffic, roadway and signalization conditions. The rate of flow is generally measured or projected for a 15-minute period, and capacity is stated in vehicles per hour. Capacity analysis of intersections involves the computation of volume-to-capacity (V/C) ratios for each lane group, from which an overall intersection V/C ratio may be derived based on the sum of critical movements.

Generally, when two opposing flows are moving during a signal phase, one of the lane groups will require more green time than another in order to process all of its volume. This would be defined as the "critical" lane group for the subject signal phase. The concept of a critical V/C ratio is used to evaluate the intersection as a whole, considering only the critical lane groups-those that have the greatest demand for green time within each signal phase. This procedure assumes that green time has been appropriately allocated. Thus, it is possible to have an overall intersection V/C ratio of less than 1.00 (under-capacity), but still have individual movements be oversaturated within the signal cycle if the green time has not been appropriately allocated to the various approaches.

The other major concept in signalized intersection analysis is level of service, which is defined in terms of delay. Delay represents a measure of driver discomfort, frustration, fuel consumption, and lost time. Level of service delay criteria are stated in terms of average stopped delay per vehicle for a 15-minute analysis period. The criteria are presented in Table 18.

TABLE 18
LEVEL OF SERVICE CRITERIA FOR
SIGNALIZED INTERSECTIONS

Level of Service	Stopped Delay per Vehicle (seconds)
A	≤ 5.0
B	5.1 to 15.0
C	15.1 to 25.0
D	25.1 to 40.0
E	40.1 to 60.0
F	> 60.0

Source: Highway Capacity Manual, Special Report 209, Transportation Research Board, Washington, D.C., 1985.

Level of service can range from LOS "A" to LOS "F". Level of Service "A" describes operations with very low delay, i.e., less than 5.0 seconds per vehicle. This occurs when progression is extremely favorable, and most vehicles arrive during the green phase. Most vehicles do not stop at all. Level of Service "F" describes operations with delay in excess of 60.0 seconds per vehicle. This condition, characterized by congested conditions, is considered to be unacceptable to most drivers. Between LOS "A" and LOS "F", traffic conditions and, therefore, delays become progressively worse. Level of Service "D" or better is generally considered acceptable, particularly in urban areas.

Delay is a complex measure which depends upon a number of variables, listed in decreasing order of importance: the quality of signal progression, the cycle length, the allocation of green time, and V/C ratio. Of note is that V/C ratio, of all the factors cited, has the least effect on delay. Thus, for any given V/C ratio, a range of delay values (and, therefore, level of service) may result. Conversely, for a given level of service, the V/C ratio may lie anywhere within a broad range.

For the reasons stated above, both capacity and level of service must be carefully examined when analyzing a signalized intersection. The designation of an approach as operating at LOS F does not automatically imply that the entire intersection, approach or lane group is overloaded, nor does a level of service in the A to E range automatically indicate that there is unused capacity available. Simply stated, V/C ratios are a measure of the physical and operational characteristics of an intersection, while delay and level of service are an average measure of a driver's perception and experience at a particular intersection. Together these two parameters are used to evaluate signalized intersection performance.

● Unsignalized Intersections

Level of service for unsignalized intersections is based on the number of acceptable gaps available in the major street traffic flow that may be utilized by minor street vehicles. The criteria shown in Table 19 are based on the available reserve (or unused) capacity (measured in passenger cars per hour) for the minor street movement in question. The table also includes a qualitative index of delay to minor street traffic.

TABLE 19
LEVEL OF SERVICE CRITERIA FOR
UNSIGNALIZED INTERSECTIONS

Reserve Capacity	Level of Service	Expected Delay to Minor Street Traffic
>400	A	Little or no delay
300-399	B	Short traffic delays
200-299	C	Average traffic delays
100-199	D	Long traffic delays
0-99	E	Very long traffic delays
<0	F	Extremely long traffic delays*

* Queuing may cause severe congestion affecting other traffic movements in the intersection. This condition usually warrants improvement to the intersection.

Source: Highway Capacity Manual, Special Report 209,
Transportation Research Board, Washington, D.C., 1985.

Caution should be used in the interpretation of the delay associated with unsignalized levels of service. The expected delays are stated in general terms, without specific numeric values. Unsignalized levels of service are not associated with the delay values given for signalized intersections. Level of Service "F" indicates that there are insufficient gaps of suitable size to allow side or minor street demand to safely enter or cross the major street traffic. This is generally evident by

long delays and possibly by queuing on the minor street. Level of Service "F" also may result in side street vehicles accepting smaller than usual gaps. In such cases, safety may be compromised and some disruption to the major street traffic can result. It should be noted that the major street traffic can still move effectively at Level of Service "F" and only side street traffic may experience difficulty. This is why it is important to understand that level of service results must be interpreted differently for unsignalized and signalized locations.

Level of Service "F" conditions usually warrant investigation into possible improvements to the intersection. The most common form of improvement in such situations is installation of a traffic signal to provide a break in main street traffic to allow side street traffic to move. Such an improvement may not be warranted or desirable if side street volumes are low. A further consideration as to the desirability of such an improvement is that installation of a signal will increase delay to the major street traffic.

Capacity Analysis

All study intersections were analyzed using the analysis procedures described above. Tables 20 and 21 and Figure 14 summarize the results of the capacity analyses for all intersections for Existing, No-Build and Build conditions.

One study location was calculated to operate at Level of Service (LOS) "E" under existing conditions. The intersection of Summer Street/Fargo street operates at LOS "E" in both the morning and evening peaks due to delays to northbound left turns from Summer Street into Fargo Street. All other locations operate at LOS "D" or better in both peak hours.

TABLE 20
INTERSECTION LEVEL OF SERVICE SUMMARY
AM PEAK PERIOD

Location	Existing Analysis [*]		No-Build Analysis 1989		Build Analysis 1989	
	V/C*	Delay** LOS**	V/C	Delay LOS	V/C	Delay LOS
<u>SIGNALIZED</u>						
Summer/Viaduct	0.69	14.7 B	0.72	14.9 B	0.72	16.6 C
Summer/D	0.81	11.6 B	0.93	18.1 C	1.00	35.1 D
Broadway/D	0.58	12.0 B	0.69	18.0 C	0.74	26.7 D
Summer/Dry Dock/Pappas	0.73	12.1 B	0.77	14.1 B	0.78	15.9 C
L/East First	0.57	7.8 B	0.61	8.3 B	0.63	8.6 B

Location	Existing Analysis [*]		No-Build Analysis 1989		Build Analysis 1989	
	V/C*	Delay** LOS**	V/C	Delay LOS	V/C	Delay LOS
<u>UNSIGNALIZED</u>						
Congress/B	EB^^ Left	241 C	EB Left	166 D	EB Left	166 D
Fargo/C	NB Left	468 A	NB Left	380 B	NB Left	380 B
Fargo/D	EB Left	232 C	EB Left	69 E	EB Left	2 E
Fargo/E	WB Left	551 A	WB Left	551 A	WB Left	551 A
Summer/Fargo	NB Left	59 E	NB Left	47 E	NB Left	47 E

* V/C = Volume-to-capacity ratio.
 ** Delay = Average intersection stopped delay in seconds.
 *** LOS = Level of Service.
 ^ Reserve capacity in vehicles per hour.
 ^^ NB = Northbound, SB = Southbound, EB = Eastbound, WB = Westbound

TABLE 21
INTERSECTION LEVEL OF SERVICE SUMMARY
PM PEAK PERIOD

Location	Existing Analysis			No-Build Analysis 1989			Build Analysis 1989		
	V/C*	Delay**	LOS***	V/C	Delay	LOS	V/C	Delay	LOS
SIGNALIZED									
Summer/Viaduct	0.66	10.9	B	0.85	60.0+	F	0.92	60.0+	F
Summer/D	0.88	24.2	C	0.87	17.8	C	0.96	22.8	C
Broadway/D	0.58	13.2	B	0.82	60.0+	F	0.83	60.0+	F
Summer/Dry Dock/Pappas	0.65	8.3	B	0.72	8.5	B	0.73	8.5	B
L/East First	0.46	7.4	B	0.55	9.2	B	0.58	10.8	B
UNSIGNALIZED									
Congress/B	EB^A Left	420	A	EB Left	391	B	EB Left	391	B
Fargo/C	NB Left	433	A	NB Left	385	B	NB Left	379	B
Fargo/D	WB Left	180	D	EB Left	16	E	EB Left	-180	F
Fargo/E	WB Left	506	A	WB Left	506	A	WB Left	506	A
Summer/Fargo	NB Left	13	E	NB Left	10	E	NB Left	3	E

- * V/C = Volume-to-capacity ratio.
 ** Delay = Average intersection stopped delay in seconds.
 *** LOS = Level of Service.
 ^ Reserve capacity in vehicles per hour.
 ^^ NB = Northbound, SB = Southbound, EB = Eastbound, WB = Westbound

Tables 20 and 21 also illustrate changes in volume-to-capacity ratios, delays, reserve capacity and levels of service under No-Build conditions in 1989. In the morning peak hour, five of the ten intersections analyzed experience a decline in level of service, but only one becomes deficient (Fargo/D). All but two of the ten analysis intersections provide LOS "D" or better (Fargo/D and Fargo/Summer).

Five study intersections also experience a decline in LOS in the evening peak hour from Existing to No-Build conditions. Three of these become deficient (Summer/Viaduct, Broadway/D, and Fargo/D). Eight of the ten study intersections operate at LOS "D" or better (Fargo/D and Summer/Fargo do not).

The addition of project-related traffic to 1989 No-Build volumes results in four study intersections experiencing a decline in LOS in the morning peak hour, but none to deficient levels. The intersections of Summer Street/Viaduct Street and Summer Street/Dry Dock/Pappas Way will both decline from LOS "B" to "C". The intersections of Summer Street and Broadway with D Street will also experience a drop in LOS during the morning peak, from LOS "C" to LOS "D". Only one study intersection drops in LOS during the evening peak. The unsignalized intersection of Fargo Street/D Street will decline from LOS "E" to LOS "F". As explained earlier for unsignalized locations, this means only that side street (Fargo Street) traffic will be affected, not "D" Street where most traffic occurs. Even this condition, however, can be remedied through the traffic mitigation measures presented in a later section of the report.

At the two study intersections projected to operate at LOS "E" in the AM peak hour under 1989 No-Build volumes, the addition of project traffic will have little or no impact on the reserve capacity. The greatest impact will be at the Fargo Street/D Street intersection, where the reserve capacity will decline by 67 passenger cars per hour. There will be no change in reserve capacity at the intersection of Summer Street/Fargo Street.

In the evening peak hour, at the four intersections projected to operate at LOS "E" or "F" under No-Build conditions, the addition of project traffic will have a measurable impact at only two locations. The largest increase in V/C ratio will be at the Summer Street/Viaduct Street intersection where an increase in V/C of 0.07 will be experienced. At the intersection of Fargo Street/D Street, a decrease of 164 passenger cars per hour in reserve capacity will be experienced.

In terms of actual volume, the largest project impacts will be at the Fargo Street/D Street intersection in both the morning and evening peak hours when 242 and 257 additional vehicles, respectively, will utilize this intersection. However, as can be seen from the level of service analysis results, only those additional volumes generated by the project in the evening peak will have a significant effect on the operational characteristics of this intersection.

PARKING

The proposed 435 Summer Street project includes the provision of approximately 436 parking spaces for building occupant or visitor use. Four of the six levels would be below grade and the garage entrance/exit driveway would be on Fargo Street to the rear of the building. An attendant station will be provided at the ramp into the garage to monitor parking usage.

● Parking Demand/Supply

The 173,100 square foot office plus retail development program analyzed for traffic impacts will generate the need for 394 long-term employee spaces (all day commuter parking) based on trip generation factors previously detailed. These assumed that 75 percent of the building's employees arrive via auto with an occupancy rate of 1.5 persons per vehicle for the office component. The short-term demand from building visitors is approximately 120 spaces and was calculated using a turnover rate of 2.67 cars per space per day taken from Parking in Central Boston.¹ The turnover rate was applied to the number of non-work trips arriving at the site. Under these assumptions, the total daily parking demand will be 514 spaces.

Due to the proximity of the adjacent 425 Summer Street building, parking supply and demand analysis considers both sites in relation to the additional parking to be provided and existing parking within a radius of 1,000 feet of the site. Parking demand for the adjacent site was calculated using the same rates described above for the proposed 435 Summer Street Building. The long-term demand for daily parking by employees amounts to 394 spaces, while, the short-term demand for building visitors is estimated to be 120 spaces, for a combined daily parking demand of 514 spaces. Parking demand from both buildings combines for a need of 786 long-term spaces, and 242 short-term spaces or a total of 1,028 spaces on a daily basis.

^{1/} Parking in Central Boston: Meeting the Access Needs of a Growing Downtown. By Cambridge Systematics, Inc. with Vanasse Hangen Brustlin, December 1983.

Demand for the existing parking in the immediate project area was determined through the field observations described previously in this report. All on-street and off-street parking spaces inventoried for the expanded parking analysis area were tabulated for the surveyed block faces and lots within 1,000 feet of the proposed development. Demand for these parking spaces is based on VHB field observations and represents average parking demand for the midday period which generally includes peak period demand.

Project parking for 425 Summer Street in 1989 includes a proponent-owned lot across Fargo Street (166 spaces) and an adjacent lot (43 spaces) available to the proponent for a total of 209 spaces. When 440/450 Summer Street is taken by the State for the Seaport Access Road, its parking will no longer be available.

Total parking supply to be provided in the proposed 435 Summer Street project includes 436 new spaces (to be shared with 425 Summer Street). The assumed allocation of these spaces will be to meet employee parking needs first, and visitor parking demands next.

Table 22 summarizes the results of the parking supply and demand analysis for 425/435 Summer Street and for the area within 1,000 feet of the proposed project. Overall, a parking surplus will exist within the site area, although a deficit is shown for both 425 Summer Street (183 long-term spaces and 122 short-term spaces), and the proposed project at 435 Summer Street (78 short-term spaces) when considered separately. This shortfall in project parking can potentially be met by available surplus parking (484 long-term spaces and 260 short-term spaces) within 1,000 feet of the project.

Although employee parking exists, all of it may not be available to tenants of 425/435 Summer Street. Parking availability for short-term parking is scarce along the street block faces based on the existing conditions, although excess supply is available at a key lot near the World Trade Center for short-term public usage and is included in the supply. A key role for the proponent will be to identify the locations and secure tenant spaces within the existing parking surplus, in order to meet the project parking demand. The access goals included in the mitigation section include a commitment to seek off-site parking to reduce the theoretical deficit, in addition to implementing demand-reduction strategies.

Parking demand reduction is included as an objective in the Access Plan and will be comprised of rideshare and increased transit trip performance as additional mitigation to the demand for parking. The analysis provided above and in Table 22 is a conservative estimate of the parking supply/demand results for the Build condition assuming the trip-generation and modal splits discussed previously in the report, and with consideration of the parking survey conducted by VHB in August of 1987.

TABLE 22
PROJECT PARKING SUPPLY/DEMAND SUMMARY

Location	Supply	Demand	Surplus or (Deficit)
425 Summer Street			
• Long-term	209	392	(183)
• Short-term	0	122	(122)
435 Summer Street			
• Long-term	394*	394	0
• Short-term	<u>42*</u>	<u>120</u>	<u>(78)</u>
Combined 425/435 Summer Street			
• Long-term	603	786	(183)
• Short-term	<u>42</u>	<u>242</u>	<u>(200)</u>
Within 1,000 Feet (but excluding 425/435 Summer Street Projects)			
• Long-term,	1,967	1,300	667
• Short-term	<u>944</u>	<u>484</u>	<u>460</u>
Total			
• Long-term	2,570	2,086	484
• Short-term	986	726	260

* Available for 425 and 435 Summer Street

• Project-Generated Parking Demand in 1996

In view of the MBTA's plans to improve transit service in South Boston, a reanalysis of project parking demand was conducted for the year 1996, the MBTA's target date for full-build transit improvements. The MBTA's consultant assisted in estimating the mode split for 435 Summer Street for each of the

three transit improvement alternatives under consideration. The projected transit mode shares are lower than those reported in the consultant's draft report because the 435 Summer Street Project site is located relatively far from the proposed transit stations and bus stops, and because parking prices forecast for the area of Summer and D Streets are somewhat lower than those forecast for the MBTA's study area as a whole. Table 23 presents the effects of the three transit alternatives on transit mode share (for office work trips), total daily vehicle trips, and total parking demand and deficit at 435 Summer Street. As shown in the table, the on-site parking deficit declines from 78 spaces in 1989 to between 17 and 53 spaces, depending on which long-term transit alternative is selected by the MBTA. The deficit reduction means that fewer spaces will be sought in surrounding off-site parking facilities.

TABLE 23
EFFECTS OF TRANSIT IMPROVEMENTS ON PARKING
AT 435 SUMMER STREET

Long-Term Transit Alternative	Transit Mode Share*	Daily Vehicle Trip Reduction	Parking Demand Reduction	Parking Deficit
Existing Service	23%	--	--	78
People Mover	28%	50	25	53
Red Line Diversion	32%	92	46	32
Shuttle Bus System	35%	122	61	17

* Office work trips

While the parking deficit reduction at 435 Summer Street alone would increase the areawide parking surplus shown earlier in Table 22, more significant factors will substantially reduce the areawide surplus (within, say, 1,000 feet of the site).

The areawide surplus of 744 (484 long-term and 260 short-term) public spaces forecast for 1989 includes 520 surplus parking spaces on Commonwealth Flats. These surplus spaces are likely to disappear as a result of new developments projected for 1995. The 1989 supply also includes 340 spaces that lie in the path of the Seaport Access Road. If these spaces are not replaced with new parking structures, areawide parking surplus forecast for 1989 will be eliminated by 1996, as areawide parking supply and demand come roughly into balance.

It can be concluded that, regardless of the long-term transit alternative implemented, but especially if the much-discussed Red Line diversion is implemented, 435 Summer Street parking supply and demand are about the same. It is clear that the parking supply being proposed for the site is not likely to result in an oversupply situation, even under mid-1990s conditions, given the need for additional parking at 425 Summer Street.

TRANSIT ANALYSIS

The 435 Summer Street project is expected to generate approximately 550 daily transit trips. Of these, an estimated 103 trips will arrive in the AM peak hour and 106 will depart in the PM peak hour. Most of these trips are expected to be transfers from the regional transit network of rail lines and express buses. It is reasonable to assume that about 20 percent of the trips will use Bus Route 3 and that about 40 percent will use each of the other two bus routes to access the project site.

This assumption is based on the relative frequency and travel time of the competing bus routes as well as the transit nodes which each serves. It is also compatible with the residential distribution of surveyed workers at 440/450 Summer Street.

Background development ridership (including the net new ridership associated with the development of 425 Summer Street) is expected to result in ridership increases exceeding 100 percent on all three of the bus routes serving the project site. As shown in Table 24, No-Build and Build ridership are expected to exceed existing planning capacity on Route 6 and 7, while Route 3 will remain underutilized under No-Build and Build conditions. Project riders will represent one-eighth of Build riders on Routes 6 and 7. Assuming that the forecast project and background ridership materializes, the MBTA's service policy will dictate that the PM peak period headways on Routes 6 and 7 be reduced from 15 minutes to 10 minutes, increasing the planning capacity of each route to 360 passengers, enough to accommodate the increased ridership.

TABLE 24
1989 BUS RIDERSHIP
PM PEAK HOUR TOWARD DOWNTOWN

Bus Route	Existing Ridership	No-Build Ridership	Project Ridership	Build Ridership	Existing Capacity
3	13	30	21	51	160
6	134	306	42	348	240
7	<u>110</u>	<u>279</u>	<u>43</u>	<u>322</u>	<u>240</u>
TOTAL	257	615	106	721	640

When project passengers transfer to the line haul routes of the MBTA system they will have no measurable impact. On the rapid transit lines, they will represent only 0.1 percent of 1989 volumes at the critical peak load points.

PEDESTRIAN ANALYSIS

Pedestrian trips generated by the 435 Summer Street project can either be considered as transit-related or non-transit related. Most pedestrian-trips generated by the project will be transit-related (i.e., walking to or from bus stops). In the morning peak hour, an increase of 107 transit-related pedestrian-trips is expected, while an increase of 114 transit-related pedestrian trips is expected in the evening peak.

The majority of transit-related pedestrian-trips in the morning peak can be expected to use the local bus stop just west of the proposed site on Summer Street. This is due to the fact that the major transit-related pedestrian flows utilizing local buses are expected to be coming from the downtown area where riders have transferred from other public transit modes. In turn, this indicates that little additional crosswalk activity will be generated by the project in the AM peak. In the PM peak, most transit-related pedestrian trips are projected to use the bus stop on the northeast corner of the D Street/Summer Street intersection. Similar to the morning peak hour, where most transit-related pedestrians are arriving from downtown, a large percentage of transit-related pedestrian flows is expected to return to the downtown area during the evening peak. Due to the location of this bus stop, additional pedestrian volumes are expected not only on the Summer Street block face adjacent to the site, but also in the crosswalks of the Summer Street/D Street intersection.

Non-transit related pedestrian trips are defined to be strictly walking trips (i.e., the entire trip is made by walking and no other mode of travel is used for any portion of the trip). An approximate increase of 81 non-transit pedestrian-trips a day is expected to be generated by the project. However, only small percentages of these daily non-transit related trips occur in the morning and evening peak hours. In the AM peak, an increase of only nine walk-trips is projected, while in the PM peak, only 12 new walk-trips are projected to occur.

From this discussion, it can be seen that the project will generate an increase of 116 pedestrian-trips in the morning peak and an increase of 126 pedestrian-trips in the evening peak. These increases in pedestrian volumes average to approximately two additional pedestrians per minute being generated by the 435 Summer Street project during each peak hour. Since pedestrian flows were already observed to be light on the block faces and in the crosswalks adjacent to the site, these increases can be considered measurable but insignificant. It can, therefore, be concluded that the increase in peak hour pedestrians generated by the 435 Summer Street development will have no adverse effects on pedestrian conditions within the project study area.

COMPATIBILITY WITH OTHER TRANSPORTATION PROJECTS

This section considers the qualitative impacts of project-related traffic on the roadway network if any of several major roadway improvements should be implemented. Several major projects have been considered. These include the Depressed Central Artery and Third Harbor Tunnel (specifically the Seaport Access Road and associated ramps near the 435 Summer Street development site); reconstruction of several bridges located in

South Boston; the city's proposed new designated truck route adjacent to the project site; possible improvements emanating from the MBTA's South Boston Transit Feasibility study; and possible improvements emanating from the City's South Boston Transportation Study. Also included are possible truck access improvements being discussed for South Boston.

- Depressed Central Artery/Seaport Access Road/Third Harbor Tunnel

A major reason for the construction of the 435 Summer Street project is due to the Depressed Central Artery/Seaport Access Road/Third Harbor Tunnel Project. The existing 440/450 Summer Street building owned by Pappas is located in the right-of-way of the Seaport Access Road, which is the extension of the Massachusetts Turnpike that will lead to the Third Harbor Tunnel. The proposed 435 Summer Street project is located approximately 250 feet south of the Seaport Access Road right-of-way and approximately 1,000 feet away from the connecting ramps which will be located both east and west of the site. Since Pappas is currently working to relocate, they will neither delay nor disrupt any major construction activity associated with this project, which will be underway by the end of this decade.

- South Boston Bridges

The repair or replacement of several South Boston bridges is currently underway or in the planning stages. These projects include the replacement of the Northern Avenue Bridge and rehabilitation of the Summer Street, Congress Street, Broadway and West Fourth Street bridges over the Fort Point Channel. Also included are the repair of Summer Street bridges over A, B, and C Streets and the West Second Street Bridge over the railroad tracks. Although the Broadway Bridge and the West Second Street

Bridge should be repaired by the end of this year, the other bridges listed will not be completed until 1989 or later. The closest bridge to the development is the Summer Street bridge over C Street, almost 500-feet west of the site. No construction impacts will occur at any of these bridges due to the project, which is expected to be completed by 1989.

- South Boston Construction Bypass Road

This is the new haul road facility planned for the Conrail right-of-way. It is to be used by construction vehicles and general truck traffic. It is planned to extend between the Northern Avenue development area and at least West 2nd Street, and possibly Dorchester Avenue. Studies are underway to determine the feasibility of extending it to the Southeast Expressway at Southampton Street. With the Seaport Access Road in place, a preliminary state plan shows the northerly end of this road connecting with Fargo Street just west of C Street, approximately 750 feet west of the 435 Summer Street site. If such a connection is made, the project's proposed access on Fargo Street would be affected to a certain extent by non-project truck traffic entering or exiting the new facility, although the volume of truck traffic using the new road is difficult to estimate. The project itself will have no impact on the construction of the bypass road, and would add only a small number of trucks to its traffic load.

- New South Boston Designated Truck Route

As mentioned earlier in the study the City of Boston is currently implementing a new designated truck route in South Boston. The effort includes the following two phases:

Phase I: (largely implemented)

- Implement new routing (see Figure 3) on Summer Street, Fargo Street, A Street, C Street and Congress Street.
- Drop designated routing on First Street (between Summer and C Street), Broadway (between A and C Streets), and C Street (between Broadway and First Street).
- Reduce vehicle traffic on Congress Street in the Fort Point Channel/Children's Museum area to encourage truck usage of A Street.
- Install larger reflectorized truck route signs.
- Maintain strict enforcement of the truck route.

Phase II: (pending)

- Designate West 2nd Street (between Dorchester Avenue and B Street) and B Street (between 1st and 2nd Streets) as two-way truck route roadways.
- Complete minor roadway and signal work along the new route at several intersections to allow trucks to turn more easily.
- Install large overhead signs at several key locations within South Boston to reduce violations.
- Make several changes (by the Massachusetts DPW) to sign merges on the Southeast Expressway to discourage through traffic from using local South Boston streets.

Probable impacts of traffic diverted along D Street and Fargo Street adjacent to the project site have been considered in both the No-Build and Build condition analyses. Intersection improvements at Fargo and D Street, included within Phase II implementation, have not been assumed in the two analysis conditions. However, proposed improvements to this intersection are discussed in the Access Plan.

- South Boston Transportation Study

Since this study is still underway by the Boston Transportation Department, various improvements which the report is expected to recommend are unknown at this time. The publication of these recommendations is not anticipated until late 1987 or early 1988. However, since a major purpose of this study is to attempt to lessen commuter traffic volumes through South Boston, and in particular through the residential area, specific recommendations addressing this objective will most likely be included in the report. Some route patterns assumed to/from the 435 Summer Street project may be affected by such recommendations.

- South Boston Transit Feasibility Study

The 435 Summer Street project does not lie in the proposed right-of-way for any of the transit construction projects being considered within the study area. The proposed people mover would be located more than 1,000 feet north of the project site, and the Red Line loop would cross under Summer Street west of B Street, at least 1,000 feet west of the project site. Therefore, no adverse impacts are likely.

● South Boston Truck Access Improvements

Various potential truck access improvements have been identified in a study undertaken by Vanasse Hangen Brustlin for the Boston Shipping Association, and funded by the Fan Pier project proponent. These range from intersection improvements to new truck roadways, some of which would impact on the project due to truck route circulation changes which could be implemented on streets adjacent to the site. It is, however, premature to evaluate specific impacts, since the study results have not yet been officially released nor commitments made to implement any of the suggested access measures. It is felt, though, that such measures would be implemented in a way so as to be compatible with the 435 Summer Street project and with the other transportation projects discussed above.

CONSTRUCTION IMPACTS

Construction Employee Trip Generation and Parking

The number of workers required over the 18-month construction period will vary, but it is estimated that the peak at any given time will not be more than 30 workers. Trip generation by construction workers is a direct function of employment levels. Assuming an auto occupancy of two or three persons (based on the shortage of parking, current costs of parking, and the greater inclination of construction workers to carpool), the 30 employees during the peak construction period would generate from 10 to 15 trips each peak period if all employees commute by automobile. In addition, construction workers generally travel before the peak hours (working 7:00 AM to 3:00 PM), so their impacts on commuter peak hour traffic are further reduced. As a result, no significant impact to the area roadway system is anticipated from construction worker vehicle-trips during the peak commuter hours.

Parking will be available for workers at adjacent Pappas properties (the 440/450 Summer Street site and possibly the Fargo Street lot) at a fee yet to be determined.

Street Closures/Lane Restrictions

No street closures are anticipated during construction of the 435 Summer Street development. Lane restrictions that will be necessary for materials-delivery vehicles include the Summer Street and D Street curb lanes adjacent to the site. Whereas legal parking exists in the curb lane on Summer Street, the D Street curb lane is currently used by drivers who illegally park in the no-parking zone located there. As a result, no blockage of any existing travel lanes appears to be necessary on any streets adjacent to the site.

Construction Vehicle Routing

It is expected that all deliveries will access the site from the west via the Massachusetts Turnpike. Deliveries are expected to exit the Massachusetts Turnpike at Kneeland Street and proceed to the site via Atlantic Avenue, Congress, B, and Fargo Streets. Return trips will follow the reverse of the inbound route but will make a left onto Dorchester Avenue after crossing the Fort Point Channel and proceed to the Massachusetts Turnpike via Summer Street and the Surface Artery. This designated truck route is the same that has been proposed for the Fan Pier/Pier 4 development. During the peak of construction, approximately 40 trucks per day will be arriving (and departing) from the 435 Summer Street site.

ACCESS PLAN

DEMAND REDUCTION/MANAGEMENT STRATEGIES

Reducing the amount of traffic generated is an effective alternative to simply providing the roadway improvements necessary to satisfy projected traffic growth. Much can be done to reduce automobile usage and thereby lessen the need for improvements or provide for the more efficient use of any improvements provided. The following describe measures designed to reduce the number of vehicle-trips into the project area. All have been discussed with the proponent and who has committed to implement them is so far as it is within his ability to do so.

Ridesharing

Ridesharing is an overall term that refers to encouraging commuters to ride in vehicles with other commuters rather than driving to work alone. The most common forms of ridesharing are carpools and vanpools. Increased ridesharing means that fewer vehicles will be using the roadways, with the result that there will be less congestion. An additional benefit will be reduced fuel consumption, as fewer vehicle miles will be traveled.

Carpooling and vanpooling programs are best implemented at the company level with a designated administrator to oversee the program. The proponent of this project is committed to the following incentives:

1. Provision of on-site carpool/vanpool matching programs.
2. Participation in joint programs with other nearby tenants, organizations, and companies.

3. Provision of promotional materials on ridesharing to employees.
4. Inclusion of promotional information on ridesharing in a building newsletter for tenants, which will provide flexibility in disseminating information and aid in matching potential poolers.
5. Coordination with Caravan (an organization which leases commuter vans and provides administrative and organizational assistance) or other van leasing programs.

Public Transportation

Another major way to reduce the number of vehicles on the roadways is to encourage employees to use mass transit instead of driving to work. The proponent will encourage transit usage through the following measures:

1. Provision of an on-site location or payroll deduction mechanism for sale of MBTA passes and private bus line tickets.
2. Encouraging tenants to subsidize a portion of their employees' public transportation costs.
3. Provision of bus, commuter rail and commuter boat schedules.
4. Provision of promotional and informational materials for all forms of public transportation.

Alternative Work Schedules

Alternative work schedules offer a way to reduce peak hour demands on the roadway system and on transit systems by shifting travel to non-peak hour periods or by reducing the total amount of travel per week. The major alternatives are:

- a. Staggered work hours - Generally are set up in such a way that groups of employees are assigned staggered starting times, typically at 15-minute intervals, spread over a one or two-hour period.
- b. Flexible work hours - Allows employees to choose their own starting and finishing times, as long as they are present during a central part of the day (called core time).
- c. Compressed work weeks - Involves shifting some workers from a standard five days per week, eight hours per day schedule to fewer days of longer hours (e.g., four days per week, ten hours per day).

The proponent has agreed to the following measures in this category:

1. In accordance with its current policy, Pappas Management has already established a flex-time system with a required core time of 9:00 AM to 4:00 PM.
2. Encourage other tenants to do the same during the lease negotiation process.

3. As an incentive for other tenants, the proponent will make building services such as heat, air conditioning, etc., available during "off-hours" at no marginal cost penalty if tenants shift employee start/end times.

Parking Supply Management

The development's parking supply will be managed to encourage reduced peak hour traffic. Measures which would accomplish this include:

1. Provision of one vanpool parking space for each 50,000 square feet of building space, or room for up to 4 vanpool vehicles for project tenants.
2. Preferential treatment for carpool and vanpool vehicles.
3. Placing restrictions on use of the project's available public parking supply so as to promote short-term use by visitors.
4. Access to the parking facility will be via a two-lane driveway located on Fargo Street which will feature one lane inbound and one lane outbound. The gates, card readers and attendant's booth will be located adjacent to the garage entrance.

Delivery Vehicles

1. Provision of sufficient off-street loading/unloading space (two bays) for all delivery vehicles, including bicycle messengers, to minimize the amount of this activity on-street. Access to the loading area will be via the shipping court across from Bullock Street on Fargo

Street. This loading area, which serves the existing 425 Summer Street building, will also accommodate the proposed 435 Summer Street development. As a result, stopping and backing will be necessary on Fargo Street in order for trucks to gain access to the loading docks. This is necessary because the width of the court, approximately 40 feet, is insufficient to accommodate large maneuvering trucks. Parking should also from be prohibited on the side of the shipping court controlled by Pappas Management in order to keep the area clear at all times for loading/unloading activities.

2. Encourage all tenant delivery vehicles (with the exception of courier services) to use off-peak hours, which include all times other than 7:00-10:00 AM and 3:00-6:00 PM weekdays.
3. Require major tenant deliveries (which typically require the moving of furniture, etc.) to be made before 7:00 AM or after 6:00 PM weekdays.
4. Provision for 24-hour off-street loading by appointment to encourage off-hours deliveries.
5. Prohibition of off-street deliveries to the buildings from any location other than the loading dock. No deliveries will be accepted through the main entrances to the buildings.
6. Items 4 and 5 will reduce turnover time for delivery vehicles (a dockmaster will supervise delivery activity) and improve security for delivery services if they use the off-street facility.

7. Collection boxes for major courier services will be located in areas convenient to the loading dock. Courier services will be required to use the loading dock and drop-offs/pickups will not be accepted at other locations, thereby minimizing impact on street traffic.

Other

1. A secure bicycle storage area for use by employees who wish to commute via bicycle will be provided within the project.
2. The project proponent will appoint a staff person in the building management office whose responsibilities will include the coordination of all of the above efforts. This Transportation Coordinator will be the City's key contact with the building management and will have the authority to resolve transportation issues as they arise.

Access Goals

1. In the impact analysis section, estimates were made for several factors which, when combined, resulted in the project's estimated contribution to vehicle trip and transit trip loadings on the study area transportation systems. Three such factors are the most significant in terms of this end result. They are:
 - o Percent transit use (person trips to/from the project by all forms of public transportation)
 - o Vehicle occupancy rate (number of people in each vehicle driving to/from the project)

- o Peak hour percentage (the portion of daily trips to/from the project which occur during the AM or PM peak hour)

To minimize vehicular travel, it would be desirable if the first two factors were higher than assumed and the third factor lower than assumed. This serves as the basis for establishing a set of access goals for the project, as shown in Table 25. The table lists each of the three factors, or measures of effectiveness, along with the value estimated in the impact analysis, the Access Plan feature that will try to improve the factor, and the goal set for each factor after implementation of the Access Plan at full project buildout and occupancy. Also listed is another factor, the placement of public parking supply reserved for short-term use, which has an impact on parking supply/demand relationships. The lower portion of the table summarizes the AM and PM vehicle trips and transit person trips estimated for the original impact analysis factors and for the new factors which will be the goals. It should be noted that all figures in the table refer to office work trips, which constitute about 87 percent of the project's vehicle trip generation and 91 percent of its transit trip generation during the peak commuting hours.

2. As a follow up to the setting of goals, the proponent will provide annual management reports to the City on compliance with the stated objectives as well as other elements of the Access Plan.
3. The proponent also commits to work with the City to address any other transportation-related issues.

TABLE 25
ACCESS GOALS

	Analysis Estimate	Mitigation Action	Goal
<u>A. Trip Generation Factors</u>			
Percent by Transit	23%	Transit Incentive	28%
Vehicle Occupancy Rate	1.5	Ridesharing	1.6
Peak Hour Percentage	55%	Alternative Work Hours	50%
Percent Public Parking Reserved for Short-Term	10%	Reserve Portion for Short-Term*	20%
Off-site Parking	0	Seek additional** supply from existing operators	
<u>B. Resulting New Peak Hour Trips</u>			
Vehicle Trips: AM in	209		167
PM out	209		167
Transit Trips: AM in	96		107
PM out	96		107

* For visitors to building tenants

** Number dependent on effectiveness of above demand-reduction strategies. Goal will be to balance parking supply and demand.

CONSTRUCTION MANAGEMENT

An important component of the Access Plan is an effective series of measures designed to minimize traffic flow and safety impacts during the construction phase. Summarized below are several measures which are expected to be incorporated into the construction management plan for the project. Final details of

several measures which are expected to be incorporated into the construction management plan for the project. Final details of the plan will be worked out when a construction contractor is selected for the project. The summary listing is as follows:

1. Secure fencing, staging and bracing will be provided at the curb around the entire block to protect pedestrian traffic near the construction site. Since all sidewalks surrounding the site will be closed during the construction period, safe crossings will be provided to relocate pedestrian traffic to the opposite side of all other streets.
2. The staging area for construction materials is to be located at either the Fargo Street parking lot or the 440/450 Summer Street site, both owned by Pappas.
3. Use of the adjacent curb lane is required on Summer and D Streets for unloading of construction delivery trucks. Use of these lanes will not affect roadway operations since they are currently used for legal and illegal parking.
4. No blockage of existing travel lanes will be permitted on any street at any time.
5. Police control will be used at key locations as required to facilitate traffic flow and insure pedestrian safety.
6. Construction worker parking will be permitted at adjacent Pappas properties at a fee yet to be determined.
7. Worker shifts will be scheduled so as to minimize conflict with the typical commuting periods.

INTERSECTION IMPROVEMENTS

The project's size characteristics and the proponent's proposed commitment to various demand/reduction strategies all will result in relatively small traffic impacts at most of the key locations analyzed. Nevertheless, the proponent recognizes the desirability of improving traffic circulation within South Boston so as to maximize efficiency of traffic flow to/from the project site and has committed to work with the City to support the implementation of various transportation improvements.

As a result of this study, certain intersection improvements have been identified which will improve level of service and reduce congestion. Improvements are delineated below for the two intersections which will be impacted by the project and will operate at LOS "E" or LOS "F" under Build conditions.

● Summer Street/Viaduct Street

Projected to operate at LOS "F" under the 1989 No-Build and Build conditions during the evening peak, optimizing the allocation of green time within the existing cycle length of 70 seconds would improve the operation of this location to LOS "C". This intersection should be monitored and the appropriate modifications in green time allocation made when found necessary. Also, the poor drainage at the top of this "T" intersection should be improved. Pavement markings should also be upgraded.

● Fargo Street/D Street

Under 1989 No-Build and Build conditions, this location will operate at LOS "E" and LOS "F", respectively, in the evening peak hour. Morning peak conditions will be LOS "E" for both Build and No-Build in 1989. To mitigate these levels of service, it is

suggested that signalized control, interconnected with the Summer Street/D Street intersection due to its close proximity, be installed. Utilizing a cycle length and phasing split similar to those found at Summer Street/D Street in order to simulate interconnected operation, yields LOS "B" in both the morning and evening peak hours. Both approaches on D Street should also be delineated for two lanes, with the markings on the north side of the intersection extended to the Summer Street/D Street intersection. Stop lines and crosswalks should also be installed at this location. Pavement conditions rate from good to fair on D Street but poor on Fargo Street with many areas of exposed cobblestone. This pavement, along with the sunken curbing found at this site, should be repaired. Also, measures should be taken to eliminate the undefined parking and unenforced regulations found on all approaches to this intersection.

Deficiencies which currently exist at the remaining eight study locations, and which will also exist in the 1989 Build year if not addressed, are discussed below. These deficiencies are not adversely impacted by the project.

● Broadway/D Street

Under 1989 No-Build and Build conditions this intersection will operate at LOS "F" during the evening peak period. Adjustments to the existing allocation of green time to each phase within the existing cycle length would improve operations at this location to LOS "C" in the PM peak. Volumes at this intersection should be monitored and, when determined necessary, the timing should be optimized. Also, the pavement is in good to excellent condition at this location with the exception of some patches which have not been properly repaired.

● Summer Street/Fargo Street

This unsignalized study intersection is projected to operate as it presently does, at LOS "E" during both peak hours, under 1989 No-Build and Build conditions. Signalized control was considered for this location but dismissed as currently unfeasible due to the low volumes on Fargo Street which would benefit from this expenditure. This location should be monitored and, if warranted, police officer control could be utilized during peak periods. Some of the pavement found at this location rates from fair to poor with some badly sunken areas at the "top" of this "T" intersection. These should be repaired. Also, broken or substandard signage found at this intersection should be repaired or replaced. In particular, the "Left Lane - Left Turn Only" sign facing the westbound approach should be removed due to the low left-turning movements and the high through volume.

● Congress Street/B Street

No operational deficiencies exist at this intersection under the 1989 Build condition. However, some specific items at this location need to be addressed. Although pavement conditions at this intersection rate from good to excellent, pavement markings are non-existent. Markings should be installed which delineate travel lanes and stop lines. Proper signage should also be placed at this study location, since neither a stop sign nor a yield sign is present on the Congress Street approach to this intersection. In addition, no curbing exists at this location.

● Fargo Street/C Street

No operational problems are projected to be experienced at this location under either the No-Build or Build conditions. However, the physical characteristics of this location -- poor

pavement conditions, sunken curbing, lack of pavement markings and signage, and the presence of abandoned railroad tracks -- create a potentially hazardous situation. Consideration should be given by the City to the improvement of this location.

● Summer Street/D Street

Deficiencies which occur at this intersection are associated with the existing pavement markings. Parking spaces along both Summer Street approaches to this location are neither clearly delineated nor set back far enough from the intersection. This results in haphazard curbside parking patterns and vehicles being illegally parked in the bus stop situated at the northeast corner, which adversely affects intersection operations. Pavement markings on the Summer Street approaches could also be improved and the two approach lanes utilized by traffic on D Street should be properly delineated. Broken or substandard signage found at this location should be repaired or replaced. Pavement conditions should be improved.

● Fargo Street/E Street

Although no operational problems are expected at this location under future conditions, other deficiencies currently exist and should be corrected. The poor pavement conditions (most of the cobblestone base has been exposed), lack of pavement markings, and adjacent haphazard parking found at this location should be addressed by the City.

● Summer Street/Dry Dock Street/Pappas Way

This recently rebuilt, fully-actuated signalized intersection is in excellent condition. No operational problems are expected at this location, which serves as the main entrance to the Boston Marine Industrial Park.

● L Street/East First Street

This location is projected to operate well above acceptable levels of service under future conditions. However, several deficiencies were observed. The pavement surface and pavement markings were found to be in fair to poor condition, and parking was improperly delineated on the adjacent L Street approaches to the intersection. These should be addressed. Also, the abandoned street car tracks on First Street should be removed, at least from the intersection itself and the First Street approaches. Although utility construction trenches were present at this location when field visits were made, this situation was only temporary and will not affect future operating conditions.

April 7, 1988

M E M O R A N D U M

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: WILLIAM D. WHITNEY, ACTING ASSISTANT DIRECTOR FOR
URBAN DESIGN AND DEVELOPMENT
BRIAN BYRNES, PLANNER, NEIGHBORHOOD PLANNING AND ZONING
DAVID ROBERTS, PROJECT MANAGER

SUBJECT: DEVELOPMENT IMPACT PROJECT PLAN AND DEVELOPMENT IMPACT
PROJECT AGREEMENT FOR 435 SUMMER STREET

EXECUTIVE

SUMMARY: THIS MEMORANDUM REQUESTS APPROVAL OF THE DEVELOPMENT
IMPACT PROJECT PLAN AND THE DEVELOPMENT IMPACT PROJECT
AGREEMENT FOR 435 SUMMER STREET IN SOUTH BOSTON.

Pappas Industrial Parks, Inc. requests approval of a Development Impact Project Plan ("DIPP") and a Development Impact Project Agreement ("Agreement") for the construction of 435 Summer Street. The parcels, containing approximately 60,905 square feet, are bounded by 415 Summer Street, Summer, D and Fargo Streets, and an existing building (419-421 Summer Street) is presently situated on the site. The project will include approximately 173,110 gross square feet of office space, approximately 7,036 gross square feet of retail space, and space at and below grade for 436 automobiles. The building, as proposed, is 111 feet high to the cornice and the floor area ratio is 5.79 which are consistent with the height and densities along the Summer Street corridor. The building facade is brick masonry with a precast concrete base which complements the design of 419-421 Summer Street, the adjacent building also owned by Pappas Industrial Parks, Inc. A glass and metal facade connects these two structures, and a landscaped plaza fronts on Summer Street, where benches and a Jim Dine sculpture will be located.

The project has undergone extensive design review by Authority staff. The project has also been reviewed by the Fort Point Channel Citizens' Advisory Committee (CAC), which is currently involved in preliminary planning for the area. A letter of support for this project from Larry Dwyer, chairman of the Fort Point Channel CAC, is attached.

The Developer intends to begin construction in the Fall of 1988 with occupancy in the Spring of 1990. Approximately 205 construction jobs will be created by the project, as well as 726 permanent jobs.

Under the DIPP and the Agreement, the Developer will make a Housing Contribution of approximately \$400,730 by either making a housing payment or electing the housing creation option, in

order to develop low and moderate income housing in the City. The Agreement also sets forth terms for a voluntary contribution of \$150,000 to be made for application toward the South Boston neighborhood's housing programs. The developer will also make a Jobs Contribution Grant of approximately \$80,146, by either a Jobs Contribution Payment or a Jobs Creation Contribution, to be used for the creation of a jobs training program for workers who may be employed, on a permanent basis, at the project.

The Developer has submitted a Transportation Access Plan which is currently under review by the City of Boston's Traffic and Parking Department and BRA staff. An Environmental Impact Assessment has also been submitted to the Authority and is under review. Final project approval is contingent upon execution of the Transportation Access Plan Agreement, Boston Resident Construction Employment Plan and a Memorandum of Understanding and First Source Agreement for the Voluntary Employment Opportunity Plan.

We therefore recommend that the Authority approve the attached Development Impact Project Plan and authorize the Director to execute the Development Impact Project Agreement and the Boston Residents' Construction Employment Plan, as requested by Pappas Industrial Parks, Inc.

Appropriate Votes Follow:

VOTED: That in connection with the Development Impact Project Plan for 435 Summer Street in South Boston, presented at a public hearing duly held at the office of the Authority on April 7, 1988, and after consideration of the evidence presented at that hearing, the Boston Redevelopment Authority finds that said Plan: (1) conforms to the general plan for the City of Boston as a whole, (2) contains nothing that will be injurious to the neighborhood or otherwise determinatal to the public welfare, and (3) does adequately and sufficiently satisfy all other criteria and specifications for a Development Impact Project Plan as set forth in Articles 26A and 26B of the Boston Zoning Code as amended; and further

VOTED: That pursuant to the provisions of Article 26A and 26B of the Boston Zoning Code as amended, the Boston Redevelopment Authority hereby approves the Development Impact Project Plan for 435 Summer Street. Said Development Plan is embodied in a written document entitled "Development Impact Project Plan for 435 Summer Street" dated April 7, 1988, and in a series of schematic drawings listed in Exhibit C of said document; said document and plans shall be on file in the office of the Director of Zoning of the Authority; and further

VOTED: That the Authority hereby authorizes the Director to execute, in the name and on behalf of the Authority, a Development Impact Project Agreement, in substantially the form attached hereto, the Boston Residents' Construction Employment Plan, and other necessary agreements, with the developer of 435 Summer Street and to certify in the name of the Authority, that plans submitted to the Inspectional Services Commissioner in connection with said project are in conformity with said Development Impact Project Plan; and that the developer has entered into an Agreement with the Authority to be responsible for the Housing Contribution and a Jobs Contribution Grant; and further

VOTED: That in reference to a petition to be brought by Pappas Industrial Parks, Inc., 425 Summer Street, South Boston, for variances and conditional uses as listed in the Development Impact Project Plan for 435 Summer Street, which is approved by the Authority today, the Boston Redevelopment Authority recommends approval provided that the Authority and the developer have executed a Development Impact Project Agreement, that plans are submitted to the Authority for design review approval to ensure that the plans are consistent with the plans previously reviewed by the Authority and with the Development Impact Project Plan, and that plans include a Transportation Access Plan. The Authority finds the requested variances and conditional uses are in conformity with the Development Plan. The Authority further finds that the proposed project is not inconsistent with the ongoing planning for the Fort Point Channel area.

435 SUMMER STREET ATTACHMENTS

- Attachment 1 - Fact Sheet
- Attachment 2 - Site Plan
- Attachment 3 - Development Impact Project Plan
Exhibit A: Architects & Consultants
Exhibit B: Legal Description of Site
Exhibit C: List of Schematic Drawings Received
Exhibit D: Transportation Access Plan Addendum
Exhibit E: Environmental Impact Assessment
Exhibit F: Summary of Dimensional Requirements
- Attachment 4 - Development Impact Project Agreement
Exhibit A: Legal Description of Site
Exhibit B: DIP Plan (without exhibits)
Exhibit C: Boston Residents Construction Employment Plan
Exhibit D: Memorandum of Understanding
Exhibit E: First Source Agreement
- Attachment 5 - Letters of Support
- Attachment 6 - Transportation Access Plan

FACT SHEET
435 SUMMER STREET

DEVELOPMENT TEAM

Developer: Pappas Industrial Parks, Inc.
Architect: John Cunningham Architects
Counsel: Peter Van, Esq., Fine & Ambrogne

PARCEL DESCRIPTION

Location: Bounded by 415 Summer Street, Summer, D,
and Fargo Streets
Size: 60,905 square feet

PROPOSAL

Construction of an eight story, 111 feet high mixed-use building, sharing a side or otherwise connected to existing improvements of 425 Summer Street.

Program: 180,146 Gross Floor Area (GFA)
Office 173,110 GFA
Retail: 7,036 GFA
Parking: 436 spaces

FAR: 5.79 (see "Zoning Relief" below)

FINANCING

Estimated Total Development Cost: \$21 million

ESTIMATED CONSTRUCTION SCHEDULE

Start: Summer, 1988
Completion: Spring, 1990

BENEFITS

Annual Taxes: \$440,800 (estimated)

Employment

Permanent Jobs: 726 (estimated)
Construction Jobs: 205 (estimated)

Housing Linkage: \$400,730
Jobs Linkage: \$80,146
Voluntary Contribution: \$150,000

ZONING RELIEF

The Project involves: a conditional use permit for an accessory parking garage; a variance from FAR requirements; a variance from dimensional requirements applicable to loading bays; a variance from certain parapet requirements; and interpretation as to non-applicability of proposed Article 34 of the Zoning Code (or, in the alternative, a conditional use permit pursuant to said proposed Article 34).



435 Summer Street